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AMERICAN
HISTORICAL ASSOCIATION

VOLUME II.

NEW YORK & LONDON
G. P. PUTNAM'S SONS
The Knickerbocker Press
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REPORT OF THE PROCEEDINGS
OF THE
AMERICAN HISTORICAL ASSOCIATION

THIRD ANNUAL MEETING, WASHINGTON, D.C., APRIL 27-29, 1886

PAPERS
OF THE
AMERICAN
HISTORICAL ASSOCIATION

VOL. II. No. 1

REPORT OF THE PROCEEDINGS

THIRD ANNUAL MEETING

WASHINGTON, D.C., APRIL 27-29, 1886

BY

HERBERT B. ADAMS

Secretary of the Association

NEW YORK AND LONDON
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SECRETARY'S REPORT

OF THE

PROCEEDINGS AT THE THIRD ANNUAL MEETING.

WASHINGTON, D. C., APRIL 27-29, 1886.

ON the 10th of September, 1884, a little company of historical specialists and their friends assembled in Saratoga to organize an American Historical Association. Forty members were then enrolled. At its third convention the Association numbered over four hundred members, including seventy-five life-members. This body of men and women is a select body. Every one has been chosen by vote of an executive council, and no one has joined by simple application or the mere payment of a membership fee to the treasurer. A careful inspection of the list of elected members will show that the character of the American Historical Association is worthy of its name. Neither local nor provincial, it is a truly national union of the best friends of history in America.

It is a striking evidence of the national aims of this growing Association, that it should so early have advanced upon Washington. Two annual meetings were held at Saratoga, where, in September, 1885, among other papers, were read descriptions of those local events which there determined our national independence. On the 27th of April, 1886,

barely seven months after the Saratoga convention, this active historical society re-assembled in the nation's capital, and there discussed, among other interesting topics, the capture of Washington in 1814, and some of the campaigns of our late war, in which Washington and Richmond were the strategic centres. The campaigns of modern science are often as significant to a reflecting mind as are the events of war.

Perhaps the most remarkable achievements of the Washington meeting of the Historical Association were: (1) The friendly re-union of military historians, from the North and from the South; (2) the peaceful discussion of those historic campaigns before Washington and in the valley of Virginia; (3) the historical representation of the New South and of the great Northwest, as well as of the Northern States and Canada; (4) the treatment of almost every branch of our American history, from the era of the great discoveries down through the colonial, revolutionary, and national periods to the present reconstruction of historical science; (5) the meeting of the youngest historians with the very oldest—with George Bancroft, father of American history and President of the American Historical Association; (6) the mingling of representatives, both professors and students, from various historical schools—Harvard, Yale, Cornell, Brown, Wellesley, Princeton, Rutgers, Johns Hopkins, Bryn Mawr, together with many representatives of Southern and Western colleges; (7) the presence of congressmen and visitors from different parts of the Union. It was a veritable national convention, in the political centre of the United States, for the furtherance of American history and of history in America.

Beyond all question, the most notable individual feature of the Washington meeting was its presiding genius—George Bancroft. Chosen at Saratoga to be the President of the American Historical Association, he attracted its members to Washington, which has long been his favorite residence and historical workshop. Dwelling within easy reach of our national archives, he has drawn American his-

tory from its fountain-head. More than any other American, George Bancroft is the personal embodiment of the historic spirit of these United States. It was, therefore, highly appropriate that the newly formed Historical Association should make a pilgrimage to the abode of this venerable scholar, there to seek and obtain his patriarchal blessing.

MORNING SESSION.

TUESDAY, *April 27, 1886.*

At the opening session on Tuesday morning, April 27, Mr. Bancroft addressed the assembled audience of two hundred and fifty persons in the large lecture-hall of the Columbian University. There were, besides members, many guests from Washington and students from Baltimore, who wished to hear the Nestor of American history upon his chosen theme :

Mr. Bancroft on Self-Government : Address of Welcome to the American Historical Association.

Brothers of the American Historical Association :

I welcome you to this third anniversary of your existence. You, who, in our universities, instruct the coming generation in the history of their race ; you, who break from duties in Church or in State, to show your love for your fellow-men by your zeal in the study of their progress ; you, who for a moment throw aside the cares of the press, the toil of authorship, or the delights of study in retirement, in the name of the Association I bid joy to you all at your renewed presence with one another.

The object of our pursuit is one of the grandest that solicit the attention of man. The movement of states over the scene of ever-succeeding action is like the march of so many armies with their various civilizations for their banners : they themselves have faded away ; their career, their enduring contributions to the sum of human knowledge, their men of transcendent genius, such as are vouchsafed to the race at great intervals of centuries, all come within the range of our pursuits. Moreover, we are nearest of kin to the students of moral philosophy.

The movements of humanity are governed by law. It is true that the sparrow, when the time comes for its fall to the ground, obeys a law that pervades the Kosmos; and it is equally true that every hair in the head of a human being is numbered. The growth and decay of empire, the morning lustre of a dynasty and its fall from the sky before noon-day; the first turning of a sod for the foundation of a city to the footsteps of a traveller searching for its place which time has hidden, all proceed as it is ordered. The character of science attaches to our pursuits.

The difficulty of discerning the presence of law in the actions of rational beings grows out of the infinite variety of the movements of the human will and of the motives by which it may be swayed. In the department of history the difficulty of judgment is diminished, for history deals with the past, which is beyond the reach of change. The discerning statesman may forecast the character of coming events, and form a plan of action with a reasonable confidence in its wisdom; but the critic, who does not bring with him the spirit of candid inquiry, cannot comprehend the institutions that are forming themselves before his eyes.

In all antiquity no true democracy existed as a government; yet our national organization accepted elements from the political organizations of the Greeks; it counts Christianity among its sources; it profited by the experience of the Roman empire in establishing inter-citizenship and domestic free trade. It was essentially imbued with the spirit of the Reformation, which rose up in Germany with Luther and was developed by Calvin in France and in Switzerland. It drew from England ideas of personal liberty and elements suited to the form of government which it had to frame. In its colonial period it derived from its own experience an opulence of forms of representative government. The American people have cause to be grateful to preceding generations for their large inheritance. Here is no rule of "the many"; it is the government by the people, the government by all; were individuals or a class to set themselves apart, they would constitute only a sect. A government

that is less than government by the entire people will by its very nature incline to the benefit of classes. The government of our "new nation" is rightly described by one of its greatest exponents as "government of the people, by the people, for the people."

The singular combination of the best elements of the past in our institutions favored our increase of territory. Our fathers expressed their vast aspirations in the Articles of Confederation. We never extended our limits in the direction which they pointed out; but it was not long before we reached the Gulf of Mexico. When a foothold in the West India Islands was offered to the United States, they, after reflection, refused to plant their foot on the richest of them all, and have never departed from the decision not to enter the tropics. The completeness of the country was not established till a President of the United States succeeded by one treaty with Great Britain and another with Mexico to enter into the peaceful possession of the continent for sixteen degrees on the Pacific. It was this settlement which perfected the Union. From that moment its majesty and safety rested on the line of east and west; and as far as the human eye can see we may in consequence hold our Union in perpetuity.

In the first Congress slavery brought danger to the Union; under the Presidency of John Adams, it took steps for an early dissolution; it was quieted for a while by Jefferson and his immediate successors; but from the moment that the country advanced its western boundary to the Pacific, the dissolution of the Union became impossible. The will of the people was able to exact its preservation; but what an infinity of power was necessary to carry out that will! To express it I adopt the words of an English writer, who is a master of his own noble language, a thorough scholar, and honored as an historian in both hemispheres. "There are certain things," he says, "which only democracy can execute. No monarchy or privileged order could have dared to take the measures necessary to maintain the American Union. They would infallibly have wrecked themselves in the effort."¹

¹ "Oceana," by James A. Froude, 391-2.

We may ask, What is the spirit of the government which has saved its life by its incomparable energy? Because the United States know their Constitution to be for them the ripened fruit of time, they have never been propagandists. Washington, in the letters in which he declares in favor of republican governments for the United States, gives as his reason that no other government is suited to their social and political condition. The United States have never importuned or encouraged others to adopt their principles of government prematurely.

What traits belong specially to government by the people? Montesquieu, the upright magistrate, who, living under despotic rule, nevertheless insisted that by the Constitution of France its king was not absolute, sought in the records of history to discern the tendency of each great form of government, and has left his testimony that "the spirit of monarchy is war and aggrandizement; the spirit of a republic is peace and moderation." "*L'esprit de la monarchie est la guerre et l'agrandissement: l'esprit de la république est la paix et la modération.*"¹

The necessary conditions of the American Union consisted in an absolute equality of rights among the States. It was hard for some of the original thirteen to think that territories, far in the interior, should be absolutely equal with the original thirteen, and the centre of power be ultimately transferred to the West, which was then a wilderness; but the voice of wisdom and the counsels of hope prevailed, and when the only irresistible cause of antagonism in our country was removed, there ceased to be any motive for dissension between the North and the South. There never was and never can be a collision between the West and the East, for they both alike wish the highways between the oceans to be free; and by universal consent, from the remotest point where Maine touches Canada to the southwestern line of California, from the orange groves of Florida to the strait where the Pacific Ocean drives its deep tide swiftly between its walls of basalt, there is for the inhabi-

¹ Montesquieu, "*L'Esprit des Lois*," ix. 2.

tants the one simple rule of universal inter-citizenship and universal free trade under government of the people by the people.

The people of the United States are the most conservative in the world, for they cherish self-government as the most precious of possessions. They make laws deliberately only after long reflection, and they only make laws within the limits of their Constitutions. From end to end of the United States two houses of legislation exist as the rule, and the executive possesses a veto. A Constitution may be changed only after a reference in some form to every individual of the community.

If the question may be asked, Does a king or a people give the most honest support to the institutions which they both have accepted, we must turn to France for a reply. Once in a reconstruction of its government a Bourbon was enthroned in France as a constitutional king; the first successor to the throne conspired against that settlement and was driven into exile, all the world pronouncing the judgment that he justly fell. Next came the house of Orleans, holding up the flag of a monarchy that should be the best of republics. Its king, in many things a wise and faithful man, made the interest of his family paramount to the interest of the nation, and in legislation obstinately refused to extend the suffrage so as to conform it to the principle on which he had received the crown. And he, too, having been false to the principle on which he accepted power, provoked an insurrection, and in the judgment of mankind justly fell. A member of another dynasty, being called to the presidency of the French republic, reached at the imperial crown, and carried France into an unequal and wilful war with its neighbor, bringing utter defeat on himself and the heaviest sorrows and losses on the generous land which he had ruled.

The form of government of "the new nation" seems to the world to be but of yesterday; and it is so; yet this government by the people, for the people is the oldest one now existing in the civilized world this side of the empire of the

Czars. Since the inauguration of Washington, Portugal and Spain have passed from irresponsible monarchy to constitutional rule. The republic of Holland has disappeared. In France government by the people exists by the deliberate choice of the nation. Germany, which in the middle of the last century was divided into hundreds of sovereignties, has formed itself into one consolidated government with a parliament elected by universal suffrage. The republic of Kosciuszko has utterly perished. Switzerland has thrown aside its mediæval form of confederacy, and is now a true government by the people. It would be hard to count the revolutions which the Grand Duchy of Austria has undergone within the last ninety-six years. Italy, thank God, is become one. The United Kingdom, too, is revolutionized. The case of England is simply this: its king and its church long time ago broke from the Roman see; many of the people accepted the Reformation; Englishmen, including dissenters, were driven through a series of conflicts to the attempt to found the government of the people by the people; the attempt was premature and failed. The court again conspired against the rights of Englishmen. The people, especially the dissenters, kept themselves in the background, and in 1688 intrusted the conduct of a new British revolution to the aristocracy. The price taken by the aristocracy for success was their own all but absolute rule of Great Britain. The House of Commons became master of the king; and that master of the king was elected chiefly on the dictation of the majority of the land-owners. The system was secured by bringing in a new dynasty, which had only a parliamentary title to the Crown. This was the revolution of 1688.

The aristocracy of England seemed to have founded their power upon an everlasting rock; but the great expansion of industry and commerce, and the consequent immense accumulation of wealth, soon compelled them to make a place by their side for the moneyed interest. Commerce and industry went on; in due time the example of the United States had its influence in the world; France ex-

cited rivalry by once more entering upon the career of a free state; at last the reform of the British House of Commons began; next the corn laws were repealed; then science by its successful inventions almost annihilated the cost of transportation of articles, wheat among the rest, from continent to continent, so that land in England lost its high value; the basis on which the rule of the British land-holders rested began to totter; and now, in the fulness of time, the House of Commons, which is the ruler of the United Kingdom, has taken itself out of the hands of the land-owners and placed itself in the keeping of the British and Irish people. "The people," says a late English writer,¹ "are now sovereign, and officials of all ranks will obey their masters."

The United States of to-day are the chief home of the English-speaking population of the world; for in all their extent English is the language of a people of sixty millions. Canada stretches along their border; a straight line from England to Australia would cross their domain; Newfoundland, New Brunswick, and Nova Scotia flank them on the east; the Bermudas and the Bahamas are anchored near their doors; a general representation of all who speak the English tongue would find in the United States the central place most convenient for meeting.

Letter from Leopold Von Ranke.

Mr. Bancroft, upon the conclusion of his address, called upon the Secretary to communicate to the Association a letter from Leopold von Ranke, accepting honorary membership. By a special resolution offered at the second annual meeting in Saratoga (see Report, vol i., p. 483), the Association had voted that its President should transmit its first testimonial of honorary membership to Leopold von Ranke, the oldest and most distinguished living exponent of historical science. Mr. Bancroft's letter to Dr. Ranke (see above reference) was dated Washington, D. C., December 5, 1885, when the German historian was approaching his

¹ Froude, in "Oceana."

ninetieth birthday (December 21, 1886). Ranke's reply was as follows :

Dem Präsidenten des Amerikanischen historischen Vereins,
Herrn GEORGE BANCROFT in Washington

Erwidere ich auf sein gütiges Anschreiben, dass ich die stellung eines Ehrenmitgliedes in diesem Verein, zu dem ich erwählt worden bin, dankbar annehme. Zu einer Gesellschaft zu gehören, welche jenseits des Oceans dieselben Zwecke verfolgt, die wir diesseits zu erreichen streben, gereicht mir zu grosser Genugthuung. Die Einheit der Studien verknüpft die räumlich entfernten, aber durch alte Stammesverwandschaft verbundenen Nationalitäten. Namentlich erfüllt es mich mit Freude, Herrn George Bancroft, einen der Meister unseres Faches, mir aus der Ferne die Hand reichen zu sehen—einen Mann, der mich während seines Aufenthaltes in Berlin zu verehrungsvoller Freundschaft verpflichtet hat.

Ehrerbietig und herzlich,

LEOP. V. RANKE.

BERLIN, den 14 Februar, 1886.

To the President of the American Historical Association,
Mr. GEORGE BANCROFT, in Washington :

In reply to your kind communication, I gratefully accept the position of an honorary member in the Association, to which I have been elected. It gives me great satisfaction to belong to a society pursuing beyond the ocean the same aims that we on this side are striving to achieve. Such unity of studies binds together peoples widely separated, yet allied by ancient kinship. It fills me with especial joy to see Mr. George Bancroft, one of the masters in our science, extending his hand to me from afar,—a man who, during his residence in Berlin, bound me to himself by ties of reverential friendship.

Accept my hearty sentiments of respect and honor,

LEOPOLD VON RANKE.

BERLIN, February 14, 1886.

The death of Leopold von Ranke, on May 23, 1886, has called forth many eulogistic memorials from institutions and

learned societies in the Old World. It would be highly fitting that some formal notice of Ranke's decease and of his significance to historical science be taken by this Association at its next annual meeting.

General Wilson's Paper on Columbus.

General James Grant Wilson, president of the New York Genealogical and Biographical Society, presented the following paper :

It is aside from my purpose to enter, in this place and in this presence, on the familiar story of the career of the "world-seeking Genoese," as the poet Halleck so happily designated the great discoverer, or to enlarge upon the prominent place he so justly fills in the highest rank of those who have sailed in what Bacon styles "the great ship of time." Nor is it my intention to invite you to accompany me through sunny and picturesque Spain, which I lately visited, chiefly in search of memorials and footprints of the illustrious explorer who contributed so much to the glory and to the shame of Ferdinand and Isabella.

It is rather my purpose to call the attention of the Association at this early day to the important subject of the proposed celebration of the quadricentennial of the discovery of our continent, and also to an interesting feature of that celebration—the erection of a noble statue to Columbus of heroic size in the nation's capital or in the Central Park of the metropolis of America, that famous land, as Columbus describes it, in a recently discovered letter, with a view to possible action on the part of this body in both schemes. To the proposed celebration and to the Columbus statue it would seem that no one could possibly take exception. Joseph Mede might have done so, who two centuries ago expressed the belief that the Devil led Columbus and his companions to our continent. Lord North, a hundred years later, might have objected, as he then humorously execrated the memory of the man who had discovered a country which gave him and his ministry so much trouble. A third objector might possibly be found in the person of

an English farmer who, as John Bright informed me, expressed the belief, a few summers since, that all the agricultural distress in England was owing to those "blasted Western States," adding "For my part, Mr. Bright, I wish Columbus had never discovered the confounded country."

Many who are present this morning will remember that some two years ago the subject of a commemoration of the four-hundredth anniversary of the discovery of our country was first agitated in the United States. In the columns of the New York *Independent* there appeared letters from many of the leading men of the land, all, as I remember, approving of the project, while there was naturally a diversity of opinion as to the particular character and form of the Columbus festival. To many present it may also be known that the late king of Spain entered most heartily into the scheme of a celebration in 1892, one feature of which was the projected visit of a large Spanish squadron, accompanied by the fleets of other nations, our own to rank next to that of Spain, to the landfall of Columbus in the West Indies,¹ the expedition touching at New York when on its return. In that squadron the young king expected to take passage for the New World, accompanied by many of the grandees of Spain, including the present representative of Columbus, my honored friend, the Duke of Veragua. In conversing on the subject with your speaker, Alfonso remarked: "Columbus should form an enduring bond between Spain and the United States." Desirous of ascertaining in how far the king's death last year had affected the Spanish project, I wrote last month to Madrid and yesterday morning received a reply. The descendant of Columbus remarks: "Measures will certainly be taken to direct and give expression to the national sentiment of Spain, which has already been manifested in various ways in favor of a Columbus celebration of grand and

¹ Columbus, according to the latest investigations, certainly landed on Cat, Samana, or Watlings islands. These investigations, pursued chiefly in the explorer's log-book, would seem to indicate that the admiral's landing place was the last-mentioned island, now (1886) believed to be the true San Salvador. This is perhaps as near as the world will ever come to a certain knowledge of the "landfall" of Columbus on the American Continent.

majestic proportions. The presence of Señor Mont in the Spanish Cabinet, he being a person of lofty mind and highly patriotic, warrants the belief that he will know how to interpret public opinion, and will make an earnest effort toward rendering the Columbus festival of 1892 a complete success, and of giving to it a character truly universal with the co-operation of the civilized nations of the two continents. The United States of America, which has through many of its leading citizens expressed a desire to honor the memory of Columbus in his centennial, will surely stand second to none in contributing to the success which is desired, and will aid and join with Spain in organizing it. The idea of erecting in New York a statue equal to the one of Columbus recently unveiled in Madrid is indeed worthy of praise and applause. It is in my opinion the best of all the many statues of the Admiral which have been erected in the various cities of Europe."

What I would venture to hope, Mr. President, is that the members of this Association will give expression to their views on the subject of the Columbus celebration and the erection of the statue, and that the Association may possibly think proper to take both in hand. I certainly know of no American society that could do so with more propriety. The entire expense of the statue will be but fifteen thousand dollars. The cost of the celebration of 1892 would doubtless be borne by the United States government, as it should be a government celebration. It is a singular circumstance that nowhere on the American continent is there a respectable statue of its illustrious discoverer. This is certainly not creditable to the country where it is manifestly proper that a statue of Columbus should be seen. The approaching four-hundredth anniversary of the momentous event would seem an appropriate time to unveil such a memorial to the "world-seeking Genoese." It is a work in which the people of all portions of our common country should feel alike interested. On my return from Spain I called the attention of several personal friends to the subject. They each responded with a subscription of one hundred dollars, and I

also secured a site in the Central Park near the noble figures of Shakespeare and Sir Walter Scott. Fifteen thousand dollars, as I have said, will purchase a replica of the finest statue of Columbus which has yet been made. It was set up in the Plaza de Colon of Madrid, in 1884, and meets the hearty approval of the Royal Historical Society of Spain, and of the Duke of Veragua, who will doubtless be present with a Spanish squadron to see it unveiled in October, 1892. You have a photograph before you of this splendid statue by Señor Sufiol, and also a portrait of the lineal descendant of Columbus, who is not unlike him in appearance.

Columbus was like Cæsar, "constant as the morning star"—in his quest. Let this Association be equally constant in carrying out the projects that I have, Mr. President, so briefly brought to its notice.¹

Perhaps I may be permitted to read the Columbus letter already alluded to. It was addressed to Agostino Barberigo, Doge of Venice, two days before the Admiral sailed from Palos. It has lain *perdu* for three hundred and ninety-two years among the fifteen millions of Venetian archives contained in an ancient monastery near the Grand Canal. Many of the manuscripts shown to me were a thousand years old! The original letter was written in Spanish, and is as follows:

"MAGNIFICENT SIR:—Since your Republic has not deemed it convenient to accept my offers, and all the spite of my many enemies has been brought in force to oppose my petition, I have thrown myself in the arms of God, my maker, and he, by the intercession of the Saints, has caused the most clement King of Castile not to refuse to generously assist my project toward the discovery of a new world.

"And, praising thereby the good God, I obtained the

¹ Ten years ago Robert C. Winthrop, of Massachusetts, said: "From the hour when Columbus and his compeers discovered our continent, its ultimate political destiny was fixed. At the very gateway of the pantheon of American liberty and American independence might well be seen a triple monument—like that to the old inventors of printing at Frankfort,—including Columbus and Americus Vesputius and Cabot. They were the precursors in the only progress of freedom which was to have no backward steps."

placing under my command of men and ships, and am about to start on a voyage to that famous land, grace to which intent God has been pleased to bestow upon me.

"And I thank you for all your kind acts, and beg that you will pray for me."

What a surprising tone of confidence Columbus displays in this brief and beautiful letter, and how interesting his reference to that "famous land," combined with the characteristic artlessness of the truly great man!

The amiable and admirable American biographer of the Admiral said to me when I saw him for the last time at Sunnyside: "If in another world we are permitted to meet those who have gone before us, among the illustrious men of all ages, I should most wish to see and speak with Columbus and the gentle Shakespeare." Many present would doubtless unite in that wish. Whether Irving has been gratified we cannot tell, but it is certain that in this world the memory of the wool-comber's son of Genoa, and the Warwickshire peasant who sleeps in sweet Stratford, will ever continue to be cherished

" With earth's and sea's rich gems,
With April's first-born flowers
And all things rare,"

and their names and their fame will endure to

" The last syllable of recorded time."

Abstract of Dr. Hart's Paper.

After a paper on "The Landfall of John Cabot, in 1497," by Professor E. N. Horsford, of Cambridge, Massachusetts, Dr. Albert Bushnell Hart, Instructor in American History in Harvard University, gave some valuable suggestions on "Graphic Methods of Illustrating History." He began by briefly speaking of the value of illustrations which appeal to the eye, as arousing and holding the interest of listeners, and making clear complicated details. He then proceeded to describe the practical methods of making large-scale maps and diagrams, exemplifying his description with charts prepared

by students and in use in classes. Many were drawn on ordinary manilla paper, a few on bleached muslin, and others on printed outline maps; he preferred permanent colored maps to those drawn upon black-boards. The colors were usually ordinary water-colors, and he found inexperienced students quite equal to draughting and coloring them. He suggested, also, convenient ways of displaying and storing large maps. The application of the system was shown by the exhibition of sample maps and charts illustrating various subjects connected with American or other history; among them were, the territorial growth of the country, the distribution of votes in successive tariff and other important measures, maps of campaigns, and local maps, and co-ordinate charts illustrating social and economic facts. He showed that such diagrams often bring out unsuspected truths; and ended with a plan for a systematic atlas of large maps to be made by each teacher and lecturer for his own use.

Abstract of Professor Tyler's Paper.

Professor Moses Coit Tyler, of Cornell University, then read a timely and suggestive paper on "The Neglect and Destruction of Historical Materials in this Country." The following is a brief abstract: By historical materials I mean written or even printed documents of every sort, which are of value as bearing testimony concerning our past,—letters, diaries, personal memoranda, speeches, pamphlets, newspapers, and all other verbal records, particularly such as are unique or nearly so, the extinction of which would be the extinction of so much evidence as to men and things in our history. Is it not true that with us there is rather more danger than is the case, for example, in Central and Western Europe, that the private papers left by men in public life, which would in after times become of confidential, delicate, and priceless value in the study of the events touched by these men's careers, should be negligently kept by their descendants or heirs, or as negligently dispersed, or left to destruction through the assaults of accident? American so-

ciety is composed of more movable elements than was the case even in the colonial time. We have few examples of families maintained through several generations in the same homes; our houses are of combustible material; and our habits are those of recklessness as to fires. The result of our present social conditions is that the kinds of historical documents now referred to, if retained in private custody, are peculiarly liable to neglect, and even to destruction.

Examples were then given showing how important historical materials have perished in the various ways described. Particular accounts were given of the neglect and partial destruction of the papers of Theodoric Bland, of Samuel Adams, and of a later statesman whose name was withheld.

On the basis of these facts, the writer asked whether it would not be timely for this National Association of historical students to make use of its continental position to suggest to our fellow-countrymen, and particularly to our brethren and associates in historical study, in all parts of the land, two or three measures for correcting present defects in our treatment of historical materials.

(1) In the frequent lack among us of the continuity of families, in circumstances favorable to the preservation of important historical materials, attention is directed to the continuity of learned corporations, such as colleges and historical societies, and to the possible use of these as the safest custodians of all historical materials now in private hands.

(2) The attention of such learned corporations, particularly of State, County, and Town Historical Societies, is earnestly directed to the importance of their attracting to themselves the custody of important historical materials, by providing themselves with buildings, or at least portions of buildings, which are really proof against fire.

(3) This Association urges upon all persons interested in historical studies, in all parts of the country, to take some pains to ascertain the existence and the present condition of historical materials that may now be in private hands in their respective neighborhoods, and wherever possible to induce the possessors of such materials to place them, either as a

gift or as a trust, in the custody of permanent public societies.

Professor Tyler's paper called forth from Mr. Bancroft the remark that he had once been asked by a lady to write the biography of her husband, a man of distinction. When he asked for his papers, she replied that there were none. She had thought it her duty to her husband to burn every paper which he had left. Judge Mellen Chamberlain, of the Boston Public Library, emphasized the points made by Professor Tyler, and said he thought that autograph hunters had sometimes unconsciously rendered great service to historical literature by preserving letters that would have been destroyed but for interest in the signatures.

EVENING SESSION.

TUESDAY, *April 27, 1886.*

The meeting was called to order by Mr. Justin Winsor, the First Vice-President of the Association. The attendance was even larger than in the morning. The presence of well-known public men, both senators and representatives, was noted, in addition to many residents of Washington. The first paper of the evening, by Alexander Brown, Esq., of Nelson County, Virginia, was presented by Dr. Charles Deane, Vice-President of the Massachusetts Historical Society. The following is an abstract of Mr. Brown's article, which was entitled, "New Views of Early Virginia History, 1606-1619." It has been privately printed for the author.

Abstract of Mr. Brown's Paper.

A full and fair history of the founding and founders of Virginia has never been published. It was against the interest of the colony and of the company, in the beginning, to make public their affairs, and therefore the council of Virginia neither published a full history of their colony themselves, nor were their early records ever used by others for that purpose.

In 1624 the company was dissolved, since which time none of their original manuscript records of transactions prior to

1619 have been available to the historian. Hence we have been forced, by the lack of other evidence, to rely almost entirely on the partisan work of Captain John Smith and his associates for "our knowledge of the infancy of our State," and on the materials used by Stith—materials evidently partisan when referring to dates prior to 1619. I think it is certainly very unjust to the early leaders in the colony and company who founded Virginia, that our ideas of them and of their work should be derived almost entirely from unfriendly evidence. I doubt if correct history can be written from controversial data, even when we have all the evidence of both sides before us, and I am sure that it is impossible to do so on *ex parte* evidence alone. I have been, and am, trying to gather together copies of every remaining cotemporary reference to Virginia during the foundation period, from 1606 to 1619, whether in manuscript or in print, in English, Spanish, French, or any other language. Under this heading my collection is now very complete. I have made a careful study of the whole subject, and I am convinced that the planting of the colony of Virginia was one of the broadest, most far-seeing, and noblest enterprises ever undertaken. The paper then treated in detail the subject of the Virginia Company of London, its organization, officers, members, meetings, and its objects in planting Virginia. A brief historical summary, from 1606 to 1614, was then given, showing some of the difficulties that had to be overcome.

Hon. William Wirt Henry's Paper.

The next paper was upon "The Part Taken by Virginia, under the Leadership of Patrick Henry, in Establishing Religious Liberty as a Foundation of American Government," by the Hon. William Wirt Henry, of Richmond, Virginia. The following extracts are taken from the address:

At the date of the American Revolution, although more than one sect had claimed religious freedom, and an absolute divorce of Church and State, it may be safely asserted that no civil government which had ever existed had allowed the

claim. It fell to the lot of Virginia to lead the way in forming new governments when independence had been determined on. Her Convention, on 15th May, 1776, ordered her delegates to move independence in the Continental Congress, and on the same day a committee was appointed to frame a Bill of Rights and Constitution, both of which were reported and adopted before Congress had acted on her motion. The Convention was duly impressed with the importance of their task, for not only were they to frame a plan of government for Virginia as an independent State, but they were reminded by letters that the other colonies were looking to Virginia for guidance as to a trusted leader. If great things were expected of this body, greater things were accomplished by it. On 12th June, 1776, was adopted by a unanimous vote "a declaration of rights made by the representatives of the good people of Virginia, assembled in full and free Convention; which rights do pertain to them and their posterity, as the basis and foundation of government," which has immortalized the body, and has been adopted as the foundation of all American governments. Such a statement of political rights had never been approached before, and has never been surpassed since, nor is it easy to believe it ever will be. It far surpasses Magna Charta and the Bill of Rights of 1688, both of which are included in it, and is in truth an epitome of all history relating to the struggles of the human race for civil and religious liberty, and a prophecy of the future of free government. Its sixteen sections, like the sixteen faces of a magnificent diamond, give forth a blended and wondrous light, caught from the very portals of heaven, constituting it the Kohinoor of political jewels.

To George Mason, a Virginia planter and a statesman of the highest order, we are indebted for the original draft of this immortal paper; but it appears by evidence which cannot be gainsaid, that two of the most important sections were the work of Patrick Henry. Edmund Randolph was a member of the committee that drafted the paper, and in after life differed widely with Mr. Henry upon the question

of the adoption of the Federal Constitution, towards whom he displayed some personal bitterness in the Convention which ratified that instrument. His statements, therefore, in favor of Mr. Henry cannot be questioned. He left a history of Virginia in manuscript, a fragment of which is in the possession of the Virginia Historical Society. In this he gives an account of the Bill of Rights, and of each section. He says: "The fifteenth, recommending an adherence and frequent recurrence to fundamental principles, and the sixteenth, unfettering the exercise of religion, were proposed by Mr. Henry." As reported to the body, these read as follows:

"That no free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

"That religion, or the duty we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, and not by force or violence; and, therefore, that all men should enjoy the fullest toleration in the exercise of religion, according to the dictates of conscience, unpunished and unrestrained by the magistrate, unless, under the color of religion, any man disturb the peace, the happiness, or the safety of society; and that it is the mutual duty of all to practise Christian forbearance, love, and charity towards each other."

This statement of the rights of conscience is in almost the same words used by the Independents in the Assembly of Westminster Divines, and the word "toleration" was of course used in its most liberal sense. But the acute and logical mind of James Madison detected the danger which lurked in the word, and he moved to amend the section so as to avoid its use. As adopted by the Convention, it reads:

"That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion according to the dictates of conscience; and that

it is the mutual duty of all to practise Christian forbearance, love, and charity towards each other."

It is the high honor of Virginia that she was thus the first state in the history of the world to pronounce the decree of *absolute divorce* between Church and State, and to lay as the chief corner-stone of her fabric of government this precious stone of religious liberty, which had been rejected by the builders.

Her example was followed sooner or later by every State in the Union, and thus the principle of perfect religious liberty has become "the chief corner-stone of the American system of government."

When we remember that a large proportion, if not majority, of the Virginia Convention were members of the Established Church, and some of them, certainly Edmund Pendleton, the President, and Archibald Cary, a prominent member, had as magistrates imprisoned Dissenters (Baptist ministers) for preaching, it may well be asked how they were induced to vote unanimously for this provision. The explanation doubtless is to be found in the fact that the discussions of human rights which the period produced had caused a great enlargement of views, and the growth of dissent in the colony had become so great that religious liberty could no longer be denied, when it was demanded by such a leader of the people as Patrick Henry. He seemed to know, as if by intuition, when the popular mind was ready for every political movement during the entire Revolution, and he never made a mistake as to the proper time to take a step in advance.

His views of human freedom were early imbibed. His father was connected with the Established Church, but his mother was a Dissenter, and a member of the congregation to which Samuel Davies, the great orator and divine, ministered before he was called to the presidency of Princeton. From him he, when a youth, first learned what was true eloquence and how to value religious liberty.

Mr. Jefferson, though not in the Convention when the Bill of Rights was framed, was one of the committee to revise

the laws of Virginia, and suggest such acts as were proper for the new State. Among those which he drafted was the famous "Act to Establish Religious Freedom," which was passed Dec. 16, 1785. He seized upon the proposition embodied in the 16th section of the Bill of Rights, that religion should be directed by *reason* and not by force, and the statement embodied in the question of Milton, "who ever knew truth put to the worse in a free and open encounter?" And these he expanded in a magnificent preamble which introduced the following act :

"Be it enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief ; but that all men shall be free to profess and by argument to maintain their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities."

This act, the authorship of which Mr. Jefferson desired to be noted on his tombstone, is frequently referred to as the establishment of religious liberty in Virginia. But it contained no principle which had not already been more solemnly enacted in the Bill of Rights more than nine years before its passage, and the Legislature on January 24, 1799, in repealing certain acts deemed in conflict therewith, expressly declared that this act was "a true exposition of the principles of the Bill of Rights."

The Constitution of the United States, as proposed by the Convention that framed it, contained no guaranty of religious liberty. Its only reference to the subject was in section 3, article 6, in these words: "No religious test shall ever be required as a qualification to any office or public trust under the United States."

It is well known that Mr. Henry, in the Virginia Convention called to consider the Federal Constitution, opposed its adoption in its unamended form. In the first speech in which he developed his objections to the instrument, he called attention to the fact that it contained no guaranty of religious liberty. Mr. Madison, who was pledged to sus-

tain the Constitution as it was framed by the Convention, was forced to admit the fact; and though Mr. Henry's language in drawing such a guaranty had not been strong enough for him in framing the Virginia Bill of Rights, he now took the position that no guaranty was needed, claiming that the diversity of sects was the best protection of religious liberty. This did not satisfy Mr. Henry, and he urged the objection time and again during the memorable debates which followed, under the leadership of Mr. Henry on the one side and Mr. Madison on the other. It soon became apparent to Mr. Madison that although a considerable majority had been counted on for the Constitution when the Convention met, he would not be able to carry the body for it in its unamended form. He thereupon changed his ground and promised, if the paper should be adopted, he would exert himself to procure the amendments which should be proposed by the Convention. A struggle then arose between the party led by Mr. Henry and that led by Mr. Madison, whether the amendments should be required to be engrafted before Virginia would adopt the instrument, or whether the Convention should adopt first and trust to subsequent amendments. As so many States had already adopted it, Mr. Madison urged with great force the dangers of disunion, and finally carried his point by a majority of only eight in a vote of 168. Mr. Henry had already presented the amendments which the Convention finally recommended, and directed their representatives in the Congress to urge. First among these was a bill of rights, the 20th section of which was in the following words:

"The religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men have an equal, natural, and inalienable right to the free exercise of religion according to the dictates of conscience, and that no particular sect or society ought to be favored or established, by law, in preference to others."

Mr. Henry was in the next Legislature of his State, and thoroughly controlled it. He carried through the body a

memorial to Congress urging the call of another Federal Convention to consider the amendments to the Constitution. He was so anxious about the fate of the amendments, and so determined that they should have no lukewarm support from Virginia, that he defeated Mr. Madison for senator, and procured the election of Richard Henry Lee and William Grayson, who were fully in accord with his views. Mr. Madison then offered for the House of Representatives, and was returned by his district. In fulfilment of the requirement of the Virginia Convention and of his own pledge, he brought the matter before the House of Representatives, and, after much opposition, he succeeded in carrying through the amendments which that Congress proposed to the States, ten of which were adopted. The first of those adopted contains a guaranty of religious liberty in these words: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

When the Virginia Convention met in 1788, eight States had ratified the Constitution, but no one had proposed an amendment securing religious liberty. Five days before the action of Virginia, the New Hampshire Convention ratified the instrument with a recommendation of amendments, one of which was for the security of religious liberty; but I find, from a letter of Senator Grayson to Mr. Henry, of 12th June, 1789, that when Mr. Madison brought forward the matter of amendments in Congress, the representatives of New Hampshire were among those who opposed him. A month after the adjournment of the Virginia Convention, New York followed her example in ratifying and proposing similar amendments, and North Carolina and Rhode Island refused to ratify until amendments were engrafted. It is known that the action of North Carolina was induced by the influence of Mr. Henry, who urged it on her leading men. What influence he may have exerted in New York and Rhode Island, I know not. But I am entirely safe in saying that it was the influence of the principle embodied in the Virginia Bill of Rights upon the American States, and the steps taken upon the requirement of the Virginia Convention of

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1788, that caused to be engrafted upon the United States Constitution its guaranty of religious liberty. And further, that it was under the leadership of Patrick Henry that religious liberty has been established as a part of the fundamental law of our land.

Abstract of Dr. Channing's Paper.

Dr. Edward Channing, after some preliminary remarks illustrating the fact that society in the English North American colonies was based to a considerable extent upon aristocratic foundations, said that, in his opinion, our historical writers had laid too much stress upon the taxation difficulties as being the main, if not the only, cause of the American Revolution. He did not believe that the problem was so simple as that. Successful revolutions are not usually based on such slight foundations. Then, too, the tax was not of a kind to have been heavily felt by the people at large. And as for the principle of no taxation without representation, outside of a small coterie of leading men, it does not appear that the colonists cared much about the matter. Besides, have our writers written what was strictly true when they have taken it for granted that Chatham and Camden were right in their arguments as to the constitutionality of taxing the colonists in a parliament in which the colonists had no men to represent them who had actually been elected by their votes? There was no doubt in the speaker's mind but that Mansfield was perfectly correct in asserting that the colonists were as truly represented as the people of many parts of England itself. No! The causes of the Revolution are to be sought much deeper. So far as Massachusetts is concerned, they can be traced to the famous agreement which was signed at Cambridge, in England, before the great Puritan migration began. Prominent among the causes of the rebellion which led to our separation from the parent state was the dread, ever present to the eyes of Methodists, Baptists, and Episcopalians alike, that the Anglican hierarchy would be introduced into this country. It was natural enough that the descendants of the Massachusetts Puritans should feel so. But it was natural,

too, that the Episcopalians of Virginia should feel the same thing. They, as well as the New Englanders, preferred to manage their own affairs to suit their own wants and purses. Another most important factor in that movement was the opposition which the colonies, especially Massachusetts and Virginia, had received and were constantly receiving at the hands of the English authorities in their commercial transactions. This interference menaced the humblest artisan as well as the proudest merchant, and undoubtedly contributed materially to inducing them to oppose the home government when the time came. But in a wider sense, it seems to me that the Revolution was no mere struggle against the theory that the colonies were really colonies, and should be treated as such, and not as integral parts of the empire. It was in no inconsiderable degree a movement against the exclusive privileges enjoyed by certain classes in the colonies themselves. In other words, then, it was in great part a social movement. The cry of "no taxation without representation" was merely the issue upon which the astute politicians of that time united the colonies, and fought the battle of freedom from social, economic, and religious restraints.

Abstract of Paper by T. Jefferson Coolidge, Jr.

A valuable paper on "The Development of Municipal Government in Massachusetts" was then read by T. Jefferson Coolidge, Jr., a graduate student of Harvard University, who bore the very lineaments of the Virginia advocate of town government. The following is a *résumé* :

There seems to have been a very gradual change from the form of town government to that of city government in Massachusetts. The origin of our New England town government has been the subject of much controversy. We are told by one that this system is indigenous to the soil, of natural growth; by another that it is moulded on the lines of the Congregational Church; while a learned judge claims that it is the creation of the General Court. There are some who would make it of Germanic origin, and others who trace its development directly from the English parish system of 1620.

There is nothing incompatible in these various views. The English parish system, from which it seems probable our town government is derived, may be of Germanic origin. Transplanted to our soil, such a system would be greatly affected by the form of the Congregational Church government and by the condition of the early settlements of New England; while the General Court certainly defined the powers exercised by the towns.

Whatever may be the truth regarding its origin, this system took firm root, and while at first all the business of the town was transacted in open town meeting, it soon became customary to delegate certain powers to officers chosen annually. All local authority was vested in the town, and was exercised by the inhabitants assembled in the meeting-house at a regularly called town meeting, all those rated at £20 estate being entitled to a vote. An annual meeting was held in March, according to law, at which town officers were elected for the term of one year; taxes were voted and appropriations made for schools, for the support of the minister, the care of the highways and for other town expenses. Other town meetings were called by the selectmen when any important business had to be transacted, or at the request of ten voters.

The selectmen were the principal executive officers and exercised a general oversight of the prudential affairs of the town, subject to the orders for their guidance which might have been passed at town meeting, and most of the duties which were not specially delegated to other officers were performed by them. They lacked, however, any real executive authority. The overseers of the poor, board of health, surveyors of highways, town treasurer and other officers executed their respective duties, but their fields of action were never clearly defined, and as the towns grew larger and the number of officers increased, this system became complicated, though admirably adapted to small, practical, and vigorous communities.

This form of government worked well until the population of a town became so great that all of the voters could not

deliberate in open town meeting. When the population had increased to this extent, but few of the inhabitants attended the meetings, except from interested motives, and the danger of a corrupt and inefficient government became very great. As early as 1650 there had been some conflict of authority between the town of Boston and the county officers, and the dissatisfaction caused by the dislike of the county officers, when united with the desire for a stronger executive, caused plans of incorporation for the town of Boston to be brought forward in 1708, 1762, 1784, 1785, and 1791-92. None of these plans were accepted. In 1784 one of the plans proposed provided in effect for a representative government of thirty-eight men, who should possess all the powers of the town in the administration of affairs and elect an executive officer to be called the mayor. It also increased the duties of the selectmen, to be called aldermen, while leaving to the citizens, in town meeting assembled, substantial power. The other plans show that the desire for municipal reform and for a more efficient government was steadily gaining ground.

Turning now to the special statutes which gradually effected a change in the government of Boston, we find that an act of 1799 provided for the election of a board of health in Boston, one member to be chosen by each ward. This is a most important link in the development of municipal government, as it is the first instance of the actual *election* of any officers by ward meetings in Massachusetts. The ward system was extended by the passage of a statute in 1802, which provided for the election by wards of twenty-four assistant assessors, who were in their turn to elect the three town assessors. This is the advanced stage of representative government. When, in 1813, the finances of the town became much confused, a committee of finance, to consist of the selectmen, overseers of the poor and board of health, was further created by special statute, and given the power of electing one person to act both as town treasurer and collector, and of superintending the finances. In 1814, when the population of Boston was not far from twenty-eight

thousand, and again in 1815, schemes for reform of the municipal government were again brought forward. There had been grave doubts in the minds of many whether the General Court possessed the authority to grant city charters, but in 1820 an amendment to the constitution of the State dispelled all these.

By 1821 the town form of government, though strengthened by the election of some officers in wards and of others by the representatives of the people on the several boards of officers, had become utterly inadequate for the properly carrying on of the business of a town of forty-three thousand inhabitants. Finally, on the 31st of December of that year, a plan for incorporation was recommended, which was amended and later accepted, by which the town was in future to be known as the "City of Boston." The entire administration of affairs was placed in the hands of one principal officer, the mayor; one select body of eight persons, the aldermen; and one more numerous body, the common-councilmen. The whole, in their aggregate capacity, were to be denominated the city council. The common-councilmen, four from each ward, and some of the other city officers, were to be elected by wards, while the mayor, aldermen, and all State and United States officers, were to be elected at large, but to be voted for in wards. The administration of the police and the powers invested by law in the selectmen were to be exercised in future by the mayor and aldermen, while the remaining powers held by the town meeting were to be vested in the city council, which was to consist of the two boards, one the mayor and aldermen, the other the board of common-councilmen, each board sitting separately and having a negative on the other. All sittings of the common-council and the sitting of the board of aldermen for administrative business were to be public. The first charter of the "City of Boston," which was granted by the Legislature and accepted by the citizens in 1822, was modelled after this plan.

I have attempted to demonstrate that this city government was gradually developed through a series of plans

offered by committees for the reform of the government of Boston, assisted by amendments to the town system which were from time to time made by special statute. The love for the familiar local forms of government in Massachusetts was so strong that no city government could have been created until the people became convinced of its necessity. When this time had come, they copied none of the charters of the large cities of other States, as they granted too arbitrary powers to the city officials and admitted the State authorities as partners in the local government; but passing by these, they drew up a charter of incorporation, having for its mainspring the Massachusetts town system of government, while correcting the long-felt need of a stronger executive officer.

We can distinguish the town meeting in the meeting of the representatives of the wards sitting as a common-council, and we can see the selectmen with their chairman, whose powers have been enlarged, sitting as mayor and aldermen. The great change which was made from the old town system, in the erection of the first city charter of Boston, was in giving the selectmen or aldermen concurrent power with the common-council in legislative affairs. Is not this, the only radical change from the town system, at the root of many of the evils which exist in our city government to-day? If the common-council were given the sole power of appropriating money, and the aldermen the sole power of expending it through legitimate channels under the supervision of the mayor, the responsibility would no longer be divided, and each board could be held strictly to account for the performance of its duties, and we should have a satisfactory city government, which would be the exact reproduction on a broader and representative scale of that wonderful little republic—The Massachusetts Town.

MORNING SESSION.

WEDNESDAY, *April 28, 1886.*

The Association convened for its second session on Wednesday, April 28th, and was promptly called to order at ten

o'clock by Mr. Bancroft, who presided throughout the entire morning exercises, as he had done on the previous day. The first paper was read by Edward G. Mason, Esq., of Chicago, on "The March of the Spaniards across Illinois." The paper was printed in full in the May number, 1886, of the *Magazine of American History*.

Abstract of Mr. Mason's Paper.

During the American Revolution, after Spain had been induced to take part in the war against Great Britain, she made herself mistress of the English posts at Baton Rouge, Natchez, and Mobile. On these conquests she based a claim to the region east of the Mississippi, at least as far as the river Ohio, and at the period now in question was preparing to strengthen her pretensions and to include in them what we know as the Northwest.

The Spanish capital of Upper Louisiana was the little village of St. Louis, founded as a trading post by the French in 1764. Its governor in 1781 was Don Francisco Cruvat, and in January of that year, from his garrison went forth the expedition whose fortunes we are to follow. Don Eugenio Pourré, the commander, ranked as captain in the Spanish line, and Don Carlos Tayon, the second in command, was a lieutenant in the same service. Their little band comprised sixty-five militiamen and sixty Indians. They set forth on no ordinary journey. Four hundred miles or more, in the depth of winter, they were to toil through forests and over prairies to reach their destination.

The goal of this strange and toilsome march was the English Fort St. Joseph, situated within the limits of the present State of Michigan. It was the head-quarters of the Indian traders for the region about the sources of the Illinois River, and was at this time the nearest fortification to St. Louis which flew the English flag. This was the place which the government of Spain, now vigorously engaged in the war against Great Britain, had resolved to capture, and to this end this march across what is now the State of Illinois was made.

The weather was unusually severe and their supplies but scanty. But these hardy warriors pushed boldly on, and found the few English traders and soldiers within the stockade totally unprepared for the sudden dash which made them prisoners and transferred Fort St. Joseph to the king of Spain. Don Eugenio Pourré took possession in the name of his sovereign of the fort and its dependencies, and of the river of the Illinois, and lowered the English flag, and raised in its place the standard of his Most Catholic Majesty.

The real object of this remarkable undertaking must be found in the wily schemes of the Spanish court, and if we change the scene to the other side of the Atlantic, new light will be thrown upon it. John Jay was our representative at Madrid, and, soon after his arrival there, became satisfied that the Spaniards were seeking to possess themselves of the entire valley of the Mississippi. Writing to our Secretary for Foreign Affairs under date of April 28, 1782, he sends the account published in Madrid of the capture of St. Joseph and adds: "When you consider the ostensible object of this expedition, the distance of it, the formalities with which the place, the country, and the river were taken possession of in the name of his Catholic Majesty, I am persuaded that it will not be necessary for me to swell this letter with remarks that would occur to a reader of far less penetration than yourself." This information reached France about the same time, and wise old Benjamin Franklin, our Minister to Versailles, was quick to see its meaning. He writes to Livingston: "I see by the newspapers that the Spaniards, having taken a little post called St. Joseph, pretend to have made a conquest of the Illinois country. In what light does this proceeding appear to Congress? Are they to be suffered to encroach on our bounds, and shut us up within the Appalachian Mountains? I begin to fear they have some such project."

Jay was transferred to Paris, there to negotiate, with Franklin and Adams, the treaty of peace with Great Britain. It became clear to them that France and Spain were plotting

to despoil us, leaving the latter free to exact from the United States the whole Mississippi valley. By a master stroke, disregarding their instructions, which directed them to consult the French court throughout, they entered into the secret negotiation with Great Britain which ended in the Treaty of Versailles in 1783. The recognition by Great Britain of the boundaries insisted upon by the American Commissioners practically settled that question, and France acquiesced at once, and Spain ultimately.

The policy and aims of Spain during the revolution, and the use which was made of the expedition to St. Joseph in support of the same, make it reasonably certain that the expedition which we have described was inspired and directed from Madrid, and for a weighty purpose. No official accounts exist in print, and the information relating to it is but meagre, and must be gleaned from short and scattered notices in various works. It has seemed not altogether a waste of time to recall it from the forgotten past and bring it into view once more. If only for the romance and picturesqueness of that daring winter journey, it might have a claim to have its story told. And as an illustration of that crafty diplomacy which sought to control both the Old World and the New, it may repay study. But above all, when we consider how much was staked upon this expedition, and by what a narrow chance the policy of which it was the consummation failed of changing perhaps the whole future of the Northwest, there may appear to be reason sufficient for the permanent remembrance of The March of the Spaniards across Illinois.

Abstract of Dr. Andrews' Paper.

The next communication was by Dr. Israel W. Andrews, of Marietta College, Ohio, on "The North-West Territory, Its Ordinance and Its Government." This paper also has been printed in the *Magazine of American History*, August, 1886, but the following abstract is presented here:

The near approach of the centennial of the first colony planted on the national domain gives interest to the region

itself, the ordinance enacted for its government in 1787, and the settlement at Marietta, April 7, 1788. The region stretching from the Ohio to the lakes, from Pennsylvania to the Mississippi, became the undisputed property of the nation by the treaty of peace with Great Britain in 1783, and by the cessions of the individual States that claimed it in whole or in part. Great Britain insisted on the Ohio River as the south boundary of Canada, and was supported in this by both France and Spain. Had these three powers refused to yield, there might have been no need of the ordinance of 1787. Our people hardly realize their obligations to the American commissioners who negotiated that treaty. Unless, too, New York and Virginia, Massachusetts and Connecticut, had relinquished their claims, the nation might have been broken into fragments even before the ratification of the Articles of Confederation. Where the merit belongs of preserving the Union, or where the blame would have rested, had that Union been severed, it may be difficult to say. We should be thankful that the two great dangers, the external and the internal, were both safely passed.

The plan of General Rufus Putnam and other revolutionary officers to locate their bounty lands between the Ohio and Lake Erie, which failed at first but was revived in another form a few years later, was traced from its beginning in 1783 to the purchase in 1787 and the actual settlement in 1788. The paper sketched the various attempts to form a plan for the temporary government of this western territory, from the resolution adopted in 1784 to the proposal of the Ohio Associates to purchase in 1787. That proposal from the same army veterans who had wished to establish a colony some years before, changed the face of affairs. It at once attracted general attention. Public men spoke of it in their correspondence. The French minister gave it prominence in his dispatches. An ordinance which had been ordered to its third reading in Congress was dropped. A new committee was appointed, and in four days the great ordinance was passed—passed by the unani-

mous vote of the States then present—five Southern, three Northern—with the provision forever prohibiting slavery north of the Ohio. Congress passed this ordinance, knowing the importance of the colony. They accepted without hesitation the well-matured plan presented by Manasseh Cutler, the able and accomplished agent of the colonists. The legislation was primarily for this colony, though fitted to be a model for subsequent enactments.

Thus the ordinance of 1787 and the settlement in 1788 are parts of one whole. This connection, and the fact that this was the first permanent occupation of territory owned by the United States, should make the centennial celebration of the settlement of the Northwest Territory, to be held at Marietta, April 7, 1888, an event of national importance.

Abstract of Dr. Mowry's Paper.

William A. Mowry, Ph.D., editor of *Education*, Boston, Massachusetts, then presented a paper upon the question, "Did the Louisiana Purchase Include Oregon?" The paper was published in the *Magazine of American History*, Oct., 1886. The following is an abstract:

The question of the extent of the great province of Louisiana, conveyed to this government by Napoleon in 1803, has been of late much discussed. The most important point in this discussion is whether Oregon was included in that province. Let us briefly examine this question.

1. In the charter of Louisiana, granted by Louis the XIV. to Antoine Crozat, in 1712, the territory was "bounded by New Mexico, and by those of the English in Carolina, the river St. Louis, formerly called the Mississippi, from the seashore to the Illinois, together with the rivers, St. Philip, formerly called the Missouri River, and the St. Jerome, formerly called the Wabash (Ohio), with all the countries, territories, lakes in the land, and the rivers emptying directly or indirectly into that part of the river St. Louis." This description, certainly, by no possible construction of language, could include any thing beyond the headwaters of the Missouri.

France never afterwards claimed for herself beyond the Rocky Mountains.¹

2. Spain always claimed that Louisiana was limited by the Rocky Mountains. During all our negotiations with Spain in relation to Florida, and which included a full discussion of our western boundaries, she never admitted for a moment that Louisiana extended west of the mountains.

3. Neither Great Britain nor any of her writers upon the subject ever allowed the claim that Louisiana extended west of the Rocky Mountains.

4. Until after the treaty of Florida, in 1819, our government never held that our title was perfect. Messrs. Gallatin and Rush, 1818, in reporting to their government, stated: "We did not assert that the United States had a perfect right to that country, but insisted that their claim was at least good against Great Britain."² After our purchase of Florida, and settlement of the boundary between our territory and the Spanish provinces as latitude 42°—that is, when we had purchased Florida, given up Texas to Spain, and she had ceded her rights of Oregon to us, then we set up a complete claim to that country. In 1845 Mr. Buchanan asserted that our own American title to the extent of the valley of the Columbia, resting as it does on discovery, exploration, and possession—a possession acknowledged by a most solemn act by Great Britain herself—is a sufficient assurance against all mankind; whilst our superadded title, derived from Spain, extends our exclusive rights over the whole territory in dispute against Great Britain.³ This position, expressed by Mr. Secretary Buchanan in his negotiations with the British government in 1845, had been uniformly held by our government from the time of the treaty of Florida. In 1824, Mr. Rush began his negotiations with Great Britain upon this subject, by claiming for his govern-

¹ See State Papers 1817-1818, p. 437. Our Secretary of State, John Quincy Adams, says: "The only boundaries ever acknowledged by France before the cession to Spain, in 1762, were those marked out in the grant from Louis XIV. to Crozat."

² See Travers Twiss, p. 202.

³ Letter of Mr. Buchanan, July 12, 1845.

ment, "in their own right, and as their absolute and exclusive sovereignty and dominion, the whole of the country west of the Rocky Mountains from the 42d to at least as far up as the 51st degree of north longitude." He further said that, "in the opinion of my government, the title of the United States to the whole of that coast, from latitude 42° to as far north as 60°, was superior to that of Britain or any other power: first, through the proper claim of the United States by discovery and settlement; and, secondly, as now standing in the place of Spain, and holding in their hands her title."¹

5. The opinion that Louisiana did not extend beyond the Rocky Mountains has been almost uniformly held by the leading men of our government. We have already mentioned Mr. Rush, Mr. Gallatin, Mr. John Quincy Adams, and Mr. Buchanan, all of whom conducted at different times negotiations with Great Britain upon the subject. Mr. Jefferson, in a letter written in August, 1803, immediately after the ratification of the treaty of purchase of Louisiana, says: "The boundaries [of Louisiana] which I deem not admitting question are the high lands on the western side of the Mississippi, inclosing all its waters (the Missouri, of course), and terminating in a line drawn from the northwest point of the Lake of the Woods to the nearest source of the Mississippi." Dr. John J. Anderson, the author of a popular series of histories in extensive use among the best schools in this country, in reviewing this subject says: "In March, 1844, Mr. A. V. Brown, from the Committee on Territories, made a report to Congress, covering twenty-four closely printed pages, in which this whole question is thoroughly discussed. In all this long report there is not the first attempt to prove that our right to Oregon came to us through the Louisiana purchase." He further quotes upon this side of the question (1) Henry Clay, (2) Caleb Cushing, and the English authors—(3) Thomas Falconer, (4) Travers Twiss, and (5) John Dunn, as well as presidents' messages, reports of debates in Congress, etc., etc., all of which had been read by him with care. Caleb Cushing made an

¹ Travers Twiss, p. 206.

elaborate report to Congress from the Committee on Foreign Affairs, upon this subject, in 1839, and wrote several articles for the *North American Review*, in which he expressly declares the views above given, and enforces them with remarkably cogent reasoning. In his report he says: "And though much controversy sprang up in regard to the southwestern or southeastern limits of Louisiana, yet all this resolved itself at length into a question with Spain, as also did the doubts as to the western limits of Louisiana."¹ About a year ago, in an article in *The Nation*, of New York, M. Barbé Marbois, the distinguished French writer, and the very man who, as Secretary of the Treasury under Napoleon, negotiated with Livingston and Monroe the Louisiana treaty, is quoted as sustaining the opposite view. Let us see. Marbois, in his excellent and elaborate history of Louisiana, says (p. 286): "The shores of the western ocean were certainly not included in the cession, but the United States are already established there." This book was first published in 1829. The reader at all curious upon the question is also respectfully referred to articles in *The Nation*, for March 15, March 22, March 29, and April 12, 1883.

It would, therefore, seem tolerably clear that the western boundary of the Louisiana Purchase was the dividing line of the Rocky Mountains.

Abstract of Mr. Eben Greenough Scott's Paper.

"The Settlement of the Lower St. Lawrence" was the subject of an interesting historical paper read by Eben Greenough Scott, Esq., of Wilkes-Barre, Pa. Mr. Scott said that the Supreme Court of the United States has judicially ascertained and asserted the fact, that the seven years' war "terminated in the conquest by Great Britain of the whole country east of the Mississippi." But of the moral forces that brought about such a result and transferred resistance to the cabinet, the court, of course, could

¹ Document No. 101, House of Representatives, 25th Congress, 3d session, p. 7.

take no cognizance; and, indeed, they did not come into play until after the conquest. Down to that event the French-Canadians could hardly be said to exist; but from it they ceased being the French in Canada, and took upon themselves the character of American French-Canadians. Drawing the distinction between the Anglican and Gallican natives of a colony, the social shortcomings of the French were pointed out by the speaker. The structure of society was represented as one-sided; it had but two classes, and the other constituents necessary to social and political development were wanting. The impulses of French colonial life were not multiform, and their action was marked by irregularity. There were few in the field, and many in the woods; this brought about the division of habitats and voyageurs. The few were stable and productive; the many non-productive, consuming, and wandering. Such a community might harbor institutions, but it planted few, and developed none. If such were the constitution of society outside the walls, the character of that within them was even less institutional; it was military and clerical, and, in fact, for a century and a quarter the history of Canada was written in the Orders of the Day, and the Relations des Jésuites. The rigor of the climate, the interrupted communication with the mother country, the uninviting character of the soil, the great disparity between the sexes and the military constitution of the population were all adverse to rapid increase. But, besides these, it was not the interest of the government to have a population greater than the needs of military occupation required. The lower St. Lawrence valley was of chief value to France as a highway to the valley of the Mississippi, and the fear of numbers that might create a spirit of independence deterred the mother country from fostering a great population. Colonial development, moreover, was repressed by the kindred burdens of monopolies and seignorial tenures. The former restrict commercial expansion, and the latter agriculture. Thus the French settler had nothing to tempt him to leave home. He found the same burdens awaiting him in Canada that he

sought to escape in France, while no compensation was offered him for the sacrifice of security and comfort involved in emigration, in the shape of the franchises so freely bestowed upon the British colonist. In brief, climate, soil, remoteness, indisposition to emigrate, inclination to return home, lack of governmental encouragement, race aversion, faithlessness of monopolies, antiquated system of tenures, want of material and political inducements, and the disproportion of sex, account for the persistent retardation of natural and artificial increase. An organization so weak, so incomplete, so lacking in resources, so destitute of strengthening institutions, and so wanting in harmonious distribution of constitutional elements, depended for its existence on the stability of the bayonets that upheld it. When these were withdrawn, the structure fell to the ground, and thus, when Montcalm fell, the whole French power east of the great river fell with him.

EVENING SESSION.

WEDNESDAY, *April 28*, 1886.

The Association re-assembled in the evening, Mr. Justin Winsor in the chair. A large audience was present. The first paper of the evening was read by Professor Austin Scott, of Rutgers College, New Brunswick, N. J., upon "The Origin of the Highest Function of the American Judiciary."

Abstract of Professor Scott's Paper.

Dr. Scott alluded to the fact that, in a discussion of one of the papers read the evening before, Judge Chamberlain of Boston, had dwelt on the gradual divergence from the English, of the American political and social character. Through such a process of differentiation there was developed in the colonies a tendency to accept judicial arbitration in questions of constitutionality. This power exists only in the United States (De Tocqueville, Brougham, Bluntschli). In its development, we discover three periods: the first, prior to the war for independence, one of germination; the second, one of growing and full consciousness, leading up

to and resulting from Marshall's decision in *Marbury vs. Madison*; the third, the present, evincing two tendencies: the one towards finality of national legislation so far as constitutionality is in question, the English theory of Parliament; the other towards more distinct assertion of this judicial power in restricting State legislation.

Its existence in the Constitution is a matter of inference. "Not a syllable directly empowers the National Courts to construe the laws according to the spirit of the Constitution" (Hamilton, *Federalist*, lxxxi.). "Not a word in the Constitution has given that power to the judges more than to the Executive or Legislative branches" (Jefferson in 1816. Works, vi., 464).

There was hesitation in receiving the new principle. In 1782, in Virginia Edmund Randolph denies its existence; Wythe in an *obiter dictum* affirms it; while Pendleton advises great caution and fears usurpation of legislative powers by the judiciary (Call's Reports, iv., 5; Rives' Madison). In 1784, a mass meeting in New York declares "such power would be most pernicious," and the Assembly resolves that it "would render Legislatures useless" (*Rutgers vs. Waddington*, Dawson's Pamphlet, 44). In 1786, the Rhode Island Legislature and people push aside the members of the court claiming this right (*Trevett vs. Weeden*, 38, Providence, 1787). In 1787, North Carolina courts maintain it (1 Martin, 42, 48).

A case in New Jersey, enforcing the principle of ultimate judicial power, is significant because it precedes cases hitherto cited, and because the New Jersey constitution was then (1779-80) essentially under legislative control (section xxiii.). The case (*Holmes and Ketcham vs. Walton*), brought by writ of certiorari before the Supreme Court, Sept. 9, 1779, was argued on constitutional grounds, Nov. 11. During a period including three terms, the court advised on the matter, and on Sept. 7, 1780, a full bench, Brearley, Smith, and Symmes, judges, gave their opinion *seriatim* for the plaintiff in certiorari (MS. Writ and Docket and Minutes of Sup. Court, Trenton). The Legislature an-

ticipated the final decision by amending the unconstitutional law, but Chief-Justice Kirkpatrick attributes the legislative acquiescence to the guiding influence of the court (*Laws of N. J.*, orig. ed., 49.; *cf.* 4 Halstead, 444). This action of New Jersey was remembered and had its influence without. Gouverneur Morris writes to the Pennsylvania Legislature in 1785: "In New Jersey the judges pronounced a law unconstitutional and void. Surely no good citizen can wish to see this point decided in the tribunals of Pennsylvania. Such power in judges is dangerous, but unless it somewhere exists, the time employed in framing a bill of rights and form of government was merely thrown away" (*Sparks' Morris*, iii., 438.)

A study of this principle during the period just prior to the adoption of the Constitution of the United States gives a better knowledge of its rise within the national sphere, and further will show that, in the separate colonies and States, under the influence of the local spirit, quite apart from the idea of union, there grew up in a denial of legislative omnipotence the means of peaceful coercion of the States, a true instrument of nationality.

Abstract of Mr. Merriam's Paper.

A suggestive paper, provoking some comment by Mr. Henry Adams, of Washington, was read by Mr. J. M. Merriam, of Harvard University, upon "Jefferson's Use of the Executive Patronage." An outline of the paper is here presented:

The election of Jefferson marks the first change of party in the office of President. With the overthrow of the Federalists the question of removal of office-holders became prominent. It will be the object of this paper to give information hitherto unpublished, which will aid in showing the temper with which the subject of executive patronage was treated.

Jefferson was greatly influenced in his course as President by his sincere hatred for the Federalists. He deemed them hostile to the principles of Republicanism. His stated aim

was "to sink Federalism into an abyss from which there should be no resurrection for it." (Jefferson's Letters, vol. iv., p. 451.) He was influenced also by the feeling that the Republicans had been defrauded of their just claim to a share of the public offices in the preceding administration. (Jefferson's Letters, iv., p. 353.) He therefore expressed his intention to fill all vacancies with Republicans, until the latter had gained a just proportion. Before his election was decided, he stated no view that may be called offensively partisan in regard to removing the incumbents in office. Only a few removals were to be made for delinquency or for oppression in the courts, and all appointments made by Adams after the date when his defeat was known, were to be deemed null. (Letters, iv., 386.) In order to balance party influence in the courts, inasmuch as all the judges were Federalists, and were irremovable, save for cause, a clean sweep was to be made of the district attorneys and marshals. Outside of these three classes, viz., those guilty of misconduct, the late appointees of Mr. Adams, and the marshals and attorneys in the courts, removals were not to be made. "Probably not twenty of the civil officers of the United States would be removed," according to Jefferson's estimate of March 24, 1801. (Letters, iv., 282.)

Jefferson's intentions, therefore, on taking the presidency were justifiable. There is no reason to believe that he was insincere when he declared his conviction that "fitness for the position, and respectable and unexceptionable character," should be required for official appointment, and that political principles of whatever side should not cause the removal of a competent person or the appointment of an incompetent one. (Letters, iv., 253.)

These early intentions, however, were not strictly observed in practice. Indeed new views were announced, though cautiously, which, taken into account with the number and character of removals actually made, must change our first judgment.

Political opposition, when expressed in an offensive manner, was declared good cause for removal. (Letters, iv., 451.)

If the Federalist States did not admit Republicans to a share of their offices, the power of the national patronage was to be used against the hated party. These threats were not idle. Measures were taken to execute them which were almost vindictive. A system of watching for chances of removal was established, and Levi Lincoln was retained almost in the capacity of spy to mark out political offenders against the principles of the administration, and report them to Jefferson, leaving the rest to him. (Letters, iv., 451.)

Jefferson himself could not approve of his own course. He was in a hard position, and was led to a greater length than he at heart intended. (Letters, iv., 451: "I still think our original idea as to the office is best, *i. e.*, to depend, for the obtaining a just participation, on deaths, resignations, and delinquencies. . . . This is rather a slow operation, but it is sure if we pursue it steadily, which, however, has not been done with that undeviating resolution I could have wished."—Jefferson to Levi Lincoln, Oct. 25, 1802.) He was held in check, however, not so much from an idea that there was any thing improper or even at variance with the real meaning of public office in the idea of partisan removals, as by the fear that he might shock the bulk of the Federalists, and thereby fail to convert them to Republicanism. (Letters, iv., 381.)

Considering these later statements of Jefferson, one is impressed with the growing emphasis placed upon political opposition as a cause for removal. At first, the only revenge to be taken was removal for cause. A little later political considerations entered, and good men were sacrificed for the sake of gaining party influence in the courts. Offensive partisanship was recognized and plans were made to detect it.

There is one source which sheds further light on Jefferson's removals—a source which hitherto has been unexamined even by Miss Salmon, who has published a careful study on "The History of the Appointing Power." Her figures, however, are unreliable, as she entirely overlooked the "Executive Journal of Senate," which must be deemed

the most authoritative source of information on her subject, since it contains an official list of the presidential appointments which were submitted to the Senate for confirmation.

In one of Jefferson's first messages to the Senate, he set at naught twenty-four of Adams' appointments which had been made in the preceding February, January, and even in December. All of these appointments had been confirmed by the Senate and the commissions had been issued. They were confined to the judiciary, the customs service, and the diplomatic service.

Adams' so-called "midnight appointments" refer principally to forty-two appointments of justices of the peace whom he nominated for service in the counties of the District of Columbia. These nominations had all been confirmed, and, as a rule, the commissions had been made out, signed, and delivered before midnight of the third of March. Jefferson refused to recognize any of these justices as legally appointed. He issued new commissions to twenty-five of them, thus virtually removing seventeen. In justice to Jefferson, however, it must be said, of course, that these removals were solely in the interest of retrenchment.

These removals were not all that Jefferson made. Others followed in quick succession until, at the end of his first administration, ninety-nine had been made. ¶An analysis of these removals shows the following distribution among the different classes of officers: District attorneys, 10; marshals, 13; judge of orphan's court, 1; register of wills, 1; collectors of customs, 26; naval officers, 3; surveyors, 5; commissioners of loans, 1; supervisors of revenue, 4; surveyor-general, 1; minister, 1; consuls, 6; commercial agents, 10; justices of peace, 17; total, 99. ¶To this number should be added, also, those whose tenure of office was limited to a term of years—the marshals and territorial officers—and who were not reappointed, six in all. ¶There were thus one hundred and five cases of forced retirement before the close of 1804, confined, for the most part, to the years of 1801 and 1802. Within this same period Jefferson was enabled to appoint five district judges and two judges in the territories,

four district attorneys, two marshals, fifteen collectors, one naval officer, thirteen surveyors, and thirty-one other officers, to fill vacancies caused by deaths, resignations, and from unexplained causes, some few of which may have been removals. There were, therefore, the following changes in the civil service during Jefferson's first administration :

5	district judgeships out of	.	.	.	.	17
14	district attorneyships out of	.	.	.	.	22
15	marshals out of	.	.	.	.	22
41	collectorships out of	.	.	.	.	82
4	naval officerships out of	.	.	.	.	11
18	surveyorships out of	.	.	.	.	30
67	various positions out of (about)	.	.	.	.	150
<hr/>						
164						334

When allowance is made for political conversions, both genuine and politic, it is evident that but very few Federalists were in office at the end of 1804. Added to the evidence furnished by these figures is that contained in a letter from Jefferson to Duane, which is published curiously enough in the Gallatin Papers (Adams' Gallatin, i., p. 130), written in the latter part of 1803, and stating that every possible removal had been made, and that of 316 officers, only 130 remained in Federalist hands.

In these figures are omitted the inspectors of surveys appointed under the excise act, since, inasmuch as that act was repealed, their tenure of office was limited to such period as was necessary for the completion of their duties.

Some of these removals were, doubtless, made for good cause. There must have been irregularities in the customs service, and there probably was more or less of abuse in the judiciary. No one can believe, however, that these irregularities and abuses required the removal of ten of the twenty-two attorneys and thirteen of the twenty-two marshals, or one fourth of all the customs officers. Jefferson himself admits that sixteen of his removals were made purely for political reasons, where no cause existed, and the sole motive for the removal was to obtain places for political followers.

("So that sixteen only have been removed in the whole for political principles—that is to say, to make some room for some participation for the Republicans.")—Jefferson to Mr. Nicholson, Letters, iv., 486.)

These are the facts in regard to Jefferson's removals. Now, what do they show? They show, first, that a more general policy of proscription was indulged in than has commonly been supposed; that, whereas current authorities have sought to apologize for the few removals Jefferson is supposed to have made, those who would excuse him must recognize the fact that the list of his removals includes one hundred and five, instead of thirty-nine. These facts show, moreover, that removals were made where there was no just cause; that the claims of friends were recognized and rewarded even at the expense of capable and unoffending opponents.

If Jefferson did not recognize the full meaning of the spoils cry, he at least recognized the claim of the victors to a just participation of the spoils—*i. e.*, he recognized a political standard of appointment, which afterward naturally developed into the policy of Jackson and Van Buren. His sincere conviction that he was doing the country a service, by freeing it from the control of monarchists and monarchs, may excuse him from the charge of being influenced to any pronounced degree by the desire to reward political followers by gifts of official positions; but, nevertheless, there can be no doubt that a large faction of his party stood out boldly for spoils, and that they obtained what they wished more generally than correct ideas of civil appointments would sanction.

Abstract of Dr. Taussig's Paper.

After a paper by A. B. Houghton, of Harvard University, upon the question: "Can the United States Guarantee the Neutrality of a Canal between the Atlantic and the Pacific?" Dr. F. W. Taussig, of the same institution, discussed "The Early Protective Movement and the Tariff of 1828." That act, said Dr. Taussig, was the most striking illustration in

our history of the manner in which politics have affected tariff legislation. The high-tariff feeling was strong in the nation in 1828. Both political parties—the Jackson party and the Adams party—tried to conciliate it for the coming presidential election. But the Jackson men were divided among themselves. They included in their ranks not only high-tariff men from the North, but also low-tariff men from the South. An advance of duties was opposed by the Southern men, but was desired by their associates in the North. The politicians who were managing the Jackson party devised an ingenious solution of this difficulty. They proposed a very high and extravagant tariff bill—a bill containing a number of provisions particularly obnoxious to New England. The Southern and Northern wings of the Jackson party agreed to prevent all amendments to the bill. The Southern men, especially those opposed to high duties in general, agreed to vote against all amendments which would make the bill less objectionable. The hope was that the New England members, who were almost all Adams men, would refuse to swallow it, and would finally vote against it. The discredit of causing the defeat of a tariff bill would thus fall on the Adams party. This programme was carried out by the Jackson men. But, at the last moment, the New Englanders, instead of voting against the bill, did swallow it. They voted for it, contrary to the expectations of their opponents. It was passed, and became law, although no one really desired its passage. It was an indefensible measure, as was admitted at the time by the high-tariff men themselves. The peculiarly objectionable provisions, called the “abominations,” were abolished by general consent in 1830 and 1832, and the protective system was then put in a more rational form. The history of the act of 1828 shows the manner in which legislation was manipulated for political effect by Van Buren, Wright, and the other Democratic politicians who came into prominence in the time of Jackson. It has often been described as a typical high-protectionist measure; in reality it was only a piece of political trickery.

MORNING SESSION.

THURSDAY, April 29, 1886.

This session was called to order at the appointed hour by Mr. Bancroft, who said that he was a minute-man. The promptness and despatch with which Mr. Bancroft conducted the proceedings of the Association were among the noticeable features of the Washington convention. The papers presented at this morning's session were all of a military character, and they attracted several army men of distinction, besides the usual audience of members and of their Washington friends. The first paper was by a regular army officer, Major-General George W. Cullum, formerly Superintendent and Commandant of the West Point Military Academy. The subject was "The Attack on Washington City in 1814."

General Cullum's Paper.

It is proper to state that this paper is chiefly copied from one of a series of campaign sketches of the war of 1812-15 against Great Britain, which I wrote and printed some years ago; but as few persons have ever read them, I venture to offer to the American Historical Association this short narrative of the operations connected with the capture of Washington in 1814.

Admiral Cockburn having withdrawn the English fleet from Chesapeake Bay in 1813, no further danger of an attack upon Washington was apprehended. Even the abdication of the Emperor Napoleon at Fontainebleau, April 11, 1814, and his banishment to the island of Elba, leaving Great Britain free to transport her vast veteran forces to America, did not disturb the equanimity of our statesmen at the capital or rouse them to a realizing sense of the danger to which we were exposed. One Cassandra, under the title of "Americanus," in the *National Intelligencer*, did utter a note of warning, but the prophecy was not believed till the enemy was almost within our walls. No preparation was made to oppose the foe. One company of artillery at Fort Warburton, and another of marines at Washington,

were the sole trustworthy protection to the capital scarcely two months before its public edifices were laid in ashes.

Notwithstanding repeated warning of England's extensive preparations to transport many troops to our shores, no official plan of defence was considered by our government till the President and his cabinet assembled in lugubrious council to deliberate on the situation, July 1, 1814, only a few days after positive information had reached New York, by a cartel, that in the harbor of Bermuda there was anchored "a fleet of transports, with a large force on board, to sail in one or two days to some port in the United States—probably for the Potomac." The next day, the Tenth Military District, embracing Virginia between the Rappahannock and Potomac, the State of Maryland and the District of Columbia, was created and put under command of Brig.-General Winder, who had just been released as a prisoner of war, captured on the northern frontier, where he had won few laurels. On the fourth of July the Secretary of War made requisitions upon the States for 93,500 militia, in which were included neither cavalry nor riflemen, "to be held in readiness for immediate service," but only the District of Columbia and State of Maryland were called upon to provide their regular quota, in whole or part, "in case of actual or menaced invasion," while Pennsylvania was directed to send 5,000 and Virginia 2,000 to the militia rendezvous. Commodore Barney, a dashing veteran of the navy, was put in command of a small flotilla of gun-boats in the Patuxent.

Winder's army on paper was a magnificent array of nearly 100,000 men, the largest force that had ever been destined for the field in America; but, through official apathy or incompetency, defective State laws and dilatoriness everywhere, Winder, two weeks after the enemy had appeared in heavy force in the Chesapeake, was unable to report more than 5,000 troops on his rolls, mostly raw militia, a large part of which were yet to be collected. In other words, the general was practically powerless, for he had only the semblance of an organized force; in person was compelled to

attend to every detail, he being without a staff or engineers; and, unaided by cavalry, had no means of ascertaining the enemy's movements.

While such were our feeble preparations, the British squadron in the Chesapeake was re-enforced, August 16, 1814, by twenty-one vessels under Admiral Cochrane, and was soon after joined by another under Commodore Malcolm. On board were several thousand of Wellington's Peninsular veterans, commanded by a brave and enterprising Irishman—Major-General Ross.

After Cockburn's return to the Chesapeake, this rapacious freebooter at once resumed his predatory warfare of burning and robbing villages, farm-houses, and every thing on which he could lay hands, "cruising about in every direction," says an officer of Ross' army, "threatening the whole line of coast, from the entrance to the very bend of the bay; and thus kept the Americans in a constant state of alarm. Whenever a favorable opportunity presented itself, parties landed, plundered or destroyed the government stores, laid towns and districts under contribution, and brought off all the shipping which could be reached. In a word, the hostilities carried on in the Chesapeake resembled the expedition of the ancient Danes against Great Britain, rather than a modern war between civilized nations." What the atrocious character of that Danish invasion was has been told by Hume and other British historians.

In the midst of his disgraceful career, finding himself opposed by a bold but more humane sailor, Commodore Barney, who with his small craft set at defiance even the brigs and frigates of his Britannic Majesty, Cockburn resolved to punish such audacity by the capture and destruction of our flotilla. Accordingly, on the 18th of August, the English admiral ascended the Patuxent as far as Benedict, when he landed a few small guns and a force of 4,500 regulars, marines, and disciplined negroes.

Up to this time little danger was apprehended at the capital, the press made light of it, the cabinet was not alarmed, the War Secretary rebuked all misgivings, Winder's

requisitions were still neglected, and the entire public seemed wrapped in somnolent security.

The certain approach of the enemy and the falling back of our flotilla to Nottingham finally awoke the Secretary of War from his dreams, and induced him to sanction Winder's calls for more troops, with the understanding, however, at this moment of absolute danger, that he would so word his requisitions for volunteers as "to guard against interfering with the legal draft." The commanding general, by great personal activity, on the 21st, was at the head of 3,200 men in arms, including a few troops of cavalry and seventeen pieces of small artillery. Had Winder been untrammelled by the President and his cabinet, with this force, though undisciplined, aided by Barney's flotilla and the natural obstacles besetting the enemy's path, he should have been able to defy the invader, who boldly continued his advance.

Cockburn's raid was well planned. While sending two small squadrons to make demonstrations, one towards Annapolis and Baltimore, and the other up the Potomac, he, with his smaller craft, covered the march of Ross' army up the southern bank of the Patuxent, ostensibly in pursuit of Barney, but in reality, if the general could be persuaded to co-operate, to make a dash on Washington—the goal of his avarice and ambition.

The entire distance from Cockburn's landing-place at Benedict to Washington was less than fifty miles; but, owing to the extreme heat of the weather, the debilitated state of the troops, long cooped up on shipboard, and the difficulty of marching in a country intersected with streams and covered with forests, the British advance was very slow. Not till the evening of the 21st had the enemy reached Nottingham, from which our flotilla had escaped to some ten miles higher up the river, above Pig's Point. Resuming the march on the morning of the 22d, the great torch-bearer soon found his love of destruction gratified by our own Secretary of the Navy, who, in the general panic, had given orders to set fire to our flotilla, which was burned before the enemy could reach it.

At this late date, Winder had pushed forward about 800 cavalry and rifles, with a battery of artillery, to reconnoitre and harass the enemy, while the remainder of his force was to follow in support. Finding the enemy greatly superior in numbers, the general ordered the advanced detachment to fall back to the "Wood-yard," and there await him. Our entire force at hand, including infantry, sailors, and marines, was about one half that of the British.

Our Secretary of the Navy having kindly performed the chief service for which the great incendiary had undertaken his raid up the Patuxent, he, Mephistopheles-like, poured into the ear of Ross—a ready listener where laurels or booty were to be won—the following insidious argument, according to Dr. Thompson, substantially as follows: "Our antagonist, from deficiency of force, or want of confidence in what he has, having hitherto shown no disposition to obstruct our views, and having at last blown up his flotilla, which, if well fought, might have cost us many lives—may we not conclude, that his defence of Washington will not be more vigorous? And, if so, has not the condition on which we are permitted to attack that town arisen? It is true that Washington presents no object strictly military—a navy-yard comparatively empty, and a small and poor population,—but we must not forget that inconsiderable in this view as it may be, it is the metropolis of the nation, and that names, as well in war as in peace, do much. By capturing it, we shall give no small *éclat* to our arms abroad; and to ourselves, a more solid gratification, if the government, to save the city, be disposed to make a liberal donation of their money." The latter mercenary suggestion, more than glory or vengeance was doubtless the moving impulse which actuated this avaricious corsair.

The prospects of untold prize-money proved too dazzling to be resisted by Ross. Leaving a naval officer and some seamen to ship the plunder, the Irish general and the English admiral, with about 4,500 combatants and three small pieces of artillery, set out on the morning of the 22d, with three days' provisions, direct for Washington, after-

wards changing their course to induce Winder to believe that their destination might be either Annapolis or Fort Washington. Winder, in the meantime not thinking it prudent to risk a battle, fell back to Long Old Fields, an admirable strategic position covering a direct advance on Washington and both its flank approaches—on the left by the Bladensburg road, and on the right by that to Fort Washington.

The Secretary of State, Colonel Monroe, an old revolutionary soldier, who had been with Winder for several days, communicated to the President his apprehensions of the great danger to the capital, and recommended that he "had better remove the records," and "have the materials prepared to destroy the bridges." Fortunately, most of the public archives reached a place of safety, but some were lost or so mutilated that they were never of further use. Upon the receipt of Colonel Monroe's message, Washington was in the wildest panic, and an exodus of thousands of its inhabitants immediately took place.

Events were now rapidly culminating to a crisis, and the worn-out commanding-general, with only 2,500 men fit for duty, nearly all raw militia, was sorely perplexed as to the proper course to be pursued, though, as usual on such occasions, he was well supplied with the advice of every one, from the President, then with him, down to the country squire; in the multitude of counsellors, however, he found no safety.

On the morning of the 23d, Ross was at Upper Marlborough, while Winder was at Long Old Fields, where, instead of concentrating his scattered forces, only a few miles separated, for battle, or to watch the enemy's movements and threaten his communications, our commanding general abandoned this strong and advantageous position so soon as Ross and Cockburn moved forward in the afternoon, thus making defeat certain by depressing the confidence of our little army, which, at sunset, made a disorderly retreat across the eastern branch bridge into Washington. This flight was a death-blow to our cause, both in a military and moral sense.

Military: because our small forces were thus scattered over a front of fifteen miles from Bladensburg, where General Stansbury was ordered to take position, to Fort Washington, covered by General Young with a small body. Moral: for on the night of the 23d all was consternation in the capital, the President and his cabinet vacillated in their course of action, the troops, worn out with aimless marches and counter-marches, were dispirited, and the commanding general, weak everywhere, knew not whither to turn; while the enemy, only ten miles distant, was girding up his loins to spring upon his prey and seize his plunder.

On the morning of the 24th, pending the council of the President, his cabinet, and the leader of our forlorn hope, Ross was moving towards his coveted prize, not directly where a broad river interposed, but to turn our left flank where the stream was fordable. When undeceived as to the enemy's intentions, every thing was hurried forward to Bladensburg, where tardily were assembled about 5,000 weary, undisciplined, and demoralized troops, to meet a like number of veterans trained in war, inured to fatigue, and accustomed to victory. All in our army was confusion, and though Winder was called the commander of this motley mass, there was more than one volunteer generalissimo from the President's mounted cabinet, one of whom (the Secretary of State), without Winder's knowledge, changed his order of battle, and another (the Secretary of War) a few hours before had been invested by the President with the entire command; but fortunately this order was suspended before the battle began.

Bladensburg, which has given its name to the disgraceful action fought August 24, 1814, is a small village on the left bank of the eastern branch of the Potomac River, connected by a bridge (about 100 feet long) with the right bank, upon which in hot haste our army was drawn up in three nearly straight lines, none of which were flanked or protected by a cross-fire of our 26 pieces, mostly light artillery. About noon, at the turn of the road where it descends the hill beyond Bladensburg, Ross discovered the American forces

drawn up on the other side of the river. With his Irish audacity, and estimating our militia as no better than Spanish soldiery, at the head of his *élite* of about 1,500 Peninsular veterans, after a momentary check, he dashed across the bridge despite our heavy artillery fire, threw out sharp-shooters and rocket-men on his flanks, quickly dispersed our skirmishers, threw our first line into disorder, and captured two pieces of artillery left by our retreating forces before they had hardly made any resistance. Elated by their success, the British light brigade threw aside their knapsacks and haversacks, and, without waiting for support, deployed in thin order to make their front equal to that of our second line, which, being more compact, withstood the onset and in turn drove back the attenuated British line to the river bank. Here they contested their ground till the second British brigade crossed the bridge, the re-enforced enemy then pressing forward and turning the left of our second line, while a flight of hissing rockets put two of our militia regiments into disorderly flight. The commanding general in vain tried to rally them, and though the right for a short time maintained its ground, the whole of the second line in turn gave way to disgraceful retreat.

The rout of our first and second lines having been accomplished, the triumphant British pressed forward to the attack of the American third line, better posted and composed of sterner stuff than either the first or second. The battle here, for more than an hour, raged furiously, the enemy being badly cut up by our well-served artillery, and driven back to the plateau or old duelling-ground, several of their disabled officers falling into our hands; but our success was short-lived, for the gallant Barney was severely wounded, our artillery was deserted by its infantry support, Beall's militia was dispersed by the assault of a heavy column, and both our flanks being turned by the British light troops, Winder ordered a general retreat, most of the militia moving towards Montgomery Court-House in Maryland.

"With the exception of a party of sailors from the gun-boats, under the command of Commander Barney," says a

British officer present, "no troops could behave worse than they did. The skirmishers were driven in as soon as attacked, the first line gave way without offering the slightest resistance, and the left of the main body was broken within half an hour after it was seriously engaged. Of the sailors, however, it would be injustice not to speak in the terms which their conduct merits. They were employed as gunners, and not only did they serve their guns with a quickness and precision which astonished their assailants, but they stood till some of them were actually bayoneted, with fuses in their hands; nor was it till their leader was wounded and taken, and they saw themselves deserted on all sides by the soldiers, that they quitted the field."

Thus terminated the disgraceful battle of Bladensburg, our laurels lost far exceeding our loss of heroic defenders. The contest began about noon and ended at 4 P.M., the British casualties being upwards of 500 killed and wounded, including several officers of rank and distinction, while our losses were far less, being variously estimated at 10 to 26 of the former and 40 to 51 of the latter.

Ross, with only two of his brigades, having secured an easy victory, ordered his third to join him on the battle-field, whence, after a short rest and having nothing to oppose him, he moved towards Washington. Leaving the mass of his forces a mile and a half from the capital, and finding no official with whom to negotiate a pecuniary ransom for property at his mercy, he and his far less scrupulous companion in iniquity—Cockburn,—with their guard of torch-bearers and plunderers, rode into the city at eight o'clock in the evening, where, says President Madison in his proclamation of September 1, 1814, "They wantonly destroyed the public edifices, having no relation in their structure to operations of war, nor used at the time for military annoyance; some of these edifices being also costly monuments of taste and of the arts, and others depositories of the public archives, not only precious to the nation as the memorials of its origin and its early transactions, but interesting to all nations as contributions to the general stock of historical instruction

and political science." Of the public buildings only the post-office was saved; the printing establishment of the *National Intelligencer* and a few private dwellings were destroyed; some houses and stores were plundered; and the Navy Yard and Potomac Bridge, to prevent their falling into the enemy's hands, were burned by ourselves.

The wild Russian Cossacks, who had sacrificed their own sacred Moscow, in 1812, as an act of patriotism, had spared Paris when their hour for vengeance had struck, in 1814; but it remained for civilized Britons, "the paragons of perfect men," as sung by their own Spenser, in the nineteenth Christian century, to commit an act of vandalism against the children of their own loins worthy of the barbarous ages of Alaric or the Danish vikings.

The capture of the capital filled the nation with consternation and mortification, and, on the assembling of Congress, in September, an able committee was appointed to investigate the causes of our great disaster; but when so many men of shining mark were implicated, and occurrences so disgraceful to the government existed, it was difficult to arrive at the exact truth and apportion responsibility. Angry criminations and re-criminations for long years were made; but as the actors of that sad drama have passed from the stage, the drop-curtain of oblivion has hidden them from view. The chief indignation of the public was against the Secretary of War, who was charged with persistent perversity and culpable inefficiency. The clamor of what his sarcastic pen called "a village mob" was so strong that the President would not support him, and Armstrong, forced to leave Washington, resigned his position, September 3, 1814, at Baltimore, giving his reasons in an acrimonious communication to the press of that city.

Ross and Cockburn having fulfilled their infamous mission, and fearing that the hand of retribution might cut off their retreat, secretly stole away, after a terrific tempest, in the darkness of the night of August 25th; left their dead unburied and their wounded to our humanity; safely reached Benedict on the 29th, and embarked on shipboard with

their booty on the 30th—thus completing their ten days' campaign, a Decameron of most unfragrant history.

This campaign, which began with our creditable success at Craney Island and ended in the brilliant defence of Baltimore, had an intermediate history most humiliating to the nation, for which the civil, far more than the military authorities, were responsible. Upon these shortcomings we will offer some criticisms.

The first and most important omission of the government was the total neglect of any timely defence of its capital. War was inevitable for many years prior to its declaration, June 18, 1812, during which period many of the capitals of Europe had fallen before the conqueror. In December, 1812, a British squadron was known to be at Bermuda destined for some southern port; February 4, 1813, a fleet entered the Chesapeake; and June 22, 1813, the attempt to take Norfolk occurred. After a marauding excursion to the Carolinas, Cockburn returned, March 1, 1814, to resume the plundering of the Chesapeake shores; and in the meantime, January 20, 1814, some 4,000 Peninsular veterans had reached Bermuda. These shadows of coming events were soon followed by the abdication of Napoleon, April 11, 1814, and the availability of Wellington's whole veteran army for the invasion of the United States. It was announced, June 28, 1814, that a large fleet had left Bermuda with troops on board, and it arrived in Chesapeake Bay, July 14, 1814. Yet, with all these ample warnings, and knowing that the enemy had visited almost every river falling into the Chesapeake, nothing was done to increase our navy in these waters or make additions to our land defences. Not a battery was built, not a gun was mounted, not a regiment mustered into service for the defence of Washington, of whose coming danger we had had more than twelve months' notice, and of its impending peril not less than six. Only six weeks before the capital's destruction, was the administration roused from its long-continued torpor. The cabinet, July 1, 1814, when finally roused from its sleep of security, met in de-

sponding consultation how to save Washington, and adopted a programme of defence, magnificent on paper, though practically almost worthless. An army of nearly 100,000 militia was decreed to be held in readiness, of which 15,000 were to be forthwith mustered into service. But of this grand array few turned out, most of the quotas continuing home-soldiers. Owing to a defect in the State law, the 5,000 required at once from Pennsylvania could not be drafted; through lack of timely notice the Virginia quota of 2,000 was summoned too late to be mustered in; and of the 6,000 Marylanders required, but 2,000 ever appeared, and these arrived, jaded and disorganized, only in time to be defeated at Bladensburg. Hence, Winder's army numbered not much over 5,000, mostly raw militia which had never drawn a trigger against an enemy. At this time only 330 regulars were left in the extended limits of the Tenth Military District, 500 having been marched from Washington to the northern frontier only two weeks before, notwithstanding the alarm of an impending attack on the capital, which the Secretary of War even then rebuked as an idle dream.

This small force, which had been assembled by dribbles, was provided with neither staff nor engineers, and had hardly a handful of cavalry. Instead of being placed in camps of instruction, where our forces could watch the threatened points—Baltimore, Annapolis, Alexandria, and Washington (all within ten days' reach of the enemy),—when they finally came together they were without the organization, drill, and discipline essential to an army, or, to use the words of General Winder, "not two men of the whole knew any thing of military science."

From the Secretary of War's dilatoriness or hostility to General Winder, who had been selected to command the Tenth District instead of General Moses Porter, who was Armstrong's choice, Washington was defenceless, as the enemy well knew, up to the very day of the actual invasion of our soil. Winder, so early as July 9th, a few days after his appointment to command, in an able communication pointed out our deficiencies and made some excellent sug-

gestions; but the Secretary of War vouchsafed no reply, contenting himself with objecting to calling out more troops, because he considered militia only available on sudden emergencies, and the expense of their being encamped till called into action would be a useless charge upon our empty treasury.

This deplorable condition of things does not, however, hold the commanding general blameless, for he had some force, the elements were all in his favor, and the path of the invader was beset with multiplied difficulties. Ross' army was destitute of cavalry; had but two small pieces of artillery, dragged by hand; was enervated by long confinement on shipboard; had to march, with hesitation and apprehension, forty miles in sultry August, men continually falling by the wayside overcome by heat; and the country was covered with forests and intersected by streams, defiles, and marshes, where a single hour's stout resistance would have checked further advance. Yet, with all these advantages and a local knowledge of the banks of the Patuxent, not a bridge was burned, no road obstructed even by the felling of a tree, no sharpshooters hung upon the flanks and rear of the coming foe, and not for one moment was the passage of a stream or ravine disputed. How different was the course of Schuyler when Burgoyne, invading our territory, came down the valley of the upper Hudson in 1777!

The next egregious blunder was the order of the Secretary of the Navy to destroy Barney's flotilla, thus accomplishing for the enemy the principal purpose for which he undertook his difficult and dangerous expedition. The bold Commodore, before and after, showed what he might have done with his small craft and courageous sailors to harass the enemy. By this act of inexplicable terror, which seemed to paralyze the government, all naval means of threatening the enemy's communications with his ships were removed, the army was rendered more hopeless, and Cockburn invited to prosecute his raid and achieve his daring design of plundering and burning Washington.

After the enemy had reached Upper Marlborough, it

should have been evident to Winder that Cockburn and Ross, with the great prize of Washington before them, were threatening other points only as demonstrations to deceive him, hence our commanding general should have concentrated every thing at Long Old Fields, an admirable and strong position covering our whole base of operations from Alexandria to Bladensburg. Had he fought his battle here where he had 17 pieces of artillery and 3,200 combatants, which could have been increased in a day to 5,000, his chances of success would have been better than at Bladensburg; and in the event of defeat his retreat on Washington was quite as easy, with the advantage of a broad river interposed between him and his pursuers. This fatal 22d of August, of American inaction, of Winder's failure to throw the slightest obstacle in the enemy's path, of almost panic in the presence of the foe, and of dastardly retreat almost without firing a shot, was the knell of our safety and the signal to embolden the British corsair to carry out his fiendish purposes. It was the anniversary of Bosworth Field, so calamitous, more than three centuries before, to the House of York, and a safe deliverance from danger to that of Lancaster.

Winder, having abandoned his advantageous position at Long Old Fields about five on the evening of the 23d, retreated, or rather ran, direct to Washington, leaving General Stansbury to occupy Bladensburg, thus giving Ross the advantage, had he been more alert, of falling first upon one corps and then upon the other, thus easily destroying both.

Our so-called army, except Barney's seamen and Peter's regulars, was a heterogeneous mass without order or discipline, and had scarcely one officer with the least knowledge of actual warfare. The various bodies at, and arriving in hot haste near, Bladensburg, on the morning of August 24th, numbered about 5,100 combatants, exclusive of Colonel Minor's force of 600 who were detained at the armory watching the counting of flints by the cautious issuing officer. Most of them had been under arms nearly all night, were worn down with constant marching and counter-marching under an almost tropical sun, and thus, weary

and dispirited, were hurried into action in three lines of battle too far apart for mutual support. In their front the bridge across the stream was not destroyed, nor the village of Bladensburg, partly built of brick, converted into a defensible *tête-de-pont*; every thing on the contrary being done to invite the easy approach of the enemy. To add to our misfortunes, instead of one, we had at least three commanding-generals—Winder, Monroe, and Armstrong,—each giving orders without any concert of action. “Every thing seemed done to organize defeat, every preparation made to yield, no spirit shown or arrangements to conquer.”

The battle being lost and the retreat ordered, no rallying point was designated, hence, most of the troops were practically disbanded. When the British threw 600 brave infantry under Colonel Musgrave into Chew’s house at Germantown, they successfully resisted a large part of Washington’s army, and turned the tide of battle. How different might have been the fate of the capital, had some of Winder’s forces been thrown into the strong, well-built public building, which Ross had no artillery to breach!

Our troops being dispersed and utterly demoralized, no attempt was made to impede the enemy’s retreat to his ships, though a few active partisan corps might have inflicted severe punishment on the British, or at least have compelled them to abandon their booty.

Many minor criticisms could be made, all of which would be to the same purport, showing that government apathy, divided councils, want of preparation, reliance upon raw levies, and ignoring military experience and education, do not conduce to the successful conduct of war nor to the honor of a nation’s arms.

Abstract of Colonel Allan’s Paper.

The second paper, read Thursday morning, April 29, was by Colonel William Allan, Principal of the McDonogh School, Baltimore County, Maryland, formerly Chief of Ordnance of General T. J. [Stonewall] Jackson’s Corps. The subject, “Confederate and Federal Strategy in the Pope

Campaign before Washington in 1862," was finely illustrated by a large map, showing every point of topographical interest. The following is a brief abstract of Colonel Allan's paper :

In July, 1862, McClellan lay at Westover on the James River, a short distance below Richmond. He was resting and recuperating after the labors and defeats of the seven days' struggle, and was anxious to renew his campaign against Richmond using the James River as a base. He had 90,000 men and was urging the government to reinforce him. In Northern Virginia the armies which Jackson had defeated in the spring were now combined under the command of General John Pope, and were concentrating on the line of the Rappahannock. These troops amounted to 50,000 men. In addition, Burnside, from North Carolina, and Cox, from West Virginia, were ordered into East Virginia. The problem the Federal government had before it, was to combine and use these forces, aggregating over 150,000 men, for an active campaign against Richmond, in front of which lay Lee with about 70,000 troops. Halleck was brought from the West, and placed in chief command. Instead of sending Pope's troops to McClellan, which was the easier and better thing to do, Halleck decided to transfer McClellan's army to the Rappahannock and unite it with Pope. Discouragement at McClellan's failure, and distrust in his ability to do better, and a preference for the line of operations by which Washington was to be certainly covered, led to the adoption of this plan. Pope was expected to hold the Rappahannock until the junction of the two armies could be effected, when a vigorous aggressive was to be assumed. The results of the Federal strategy were briefly, that Pope was forced from the Rappahannock before any considerable part of McClellan's troops had joined him, that but 28,000 of these troops had united with him when he was brought to battle at Manassas, and that thus one half of the Federal forces were separated from the remainder and terribly defeated.

On the Confederate side, in the early part of July, Lee's

army rested in front of Richmond after its severe and successful struggle with McClellan. Lee had about 70,000 men, all the troops which the Confederates had available to oppose to the two armies of McClellan and Pope, so that there was in front of Pope at this time but a single brigade of cavalry. When Pope's movements on the Rappahannock began to threaten the railroads connecting Lee with the Valley of Virginia, he was obliged, about the middle of July, to send Jackson with 11,000 men to Gordonsville. Ten days later Lee sent 12,000 more under A. P. Hill to reinforce Jackson, but still retained the bulk of his forces, 50,000 men, at Richmond to watch McClellan, who with 90,000 lay at Westover. Jackson's arrival at Gordonsville had saved the railroads from Pope's cavalry, and when Hill joined him Jackson undertook to strike a quick blow at one of the most exposed parts of Pope's command. This led to the battle of Cedar Run, which resulted in the thorough defeat of Banks' corps. Pope concentrating his troops rapidly, Jackson now retreated to Gordonsville to await Lee's arrival. Lee remained at Richmond until convinced that it was the policy of the Federal government to transfer McClellan from the James, when he determined, if possible, to fight Pope before McClellan could join him. For this purpose, leaving 20,000 men to hold the Confederate capital, he set out with 30,000 men, on August 13th, to join Jackson on the Rapidan. Pope had advanced to the Rapidan, his army and trains lying between that river and the Rappahannock, and Lee hastened at once to attack. The forces were about equal, but it was evidently the Confederate policy to dispose of Pope before McClellan could reach the line of the Rappahannock. Delays of his transportation and of his cavalry prevented Lee from crossing the Rapidan on the 18th of August, as he had intended. He was not able to move until two days later. Pope, meantime, learning of his design, foiled it by a prompt retreat behind the Rappahannock. The second attempt of Lee, to cross the Rappahannock and attack Pope's right wing was defeated by a tremendous storm of rain on the 22d of August, which

flooded the river and made it impassable. But one chance seemed left of fighting Pope alone. It required the utmost celerity, boldness, and skill, and involved prodigious risks. Lee adopted it. He threw one half of his army under Jackson, on August the 25th and 26th, completely in Pope's rear, seized his depot at Manassas, broke up his communications, and prevented the approach of any more reinforcements from McClellan at Alexandria. Of McClellan's and Burnside's men, 28,000 had already joined Pope. Pope was compelled to let go the Rappahannock and fall back to Manassas. As soon as Pope moved, Lee hurried with Longstreet's corps after Jackson. Pope, finding the Confederate army divided, made strenuous efforts to concentrate his forces upon Jackson, at Manassas, and overwhelm him before Lee could get up. But Pope was no match for his skilful opponent, who, with less than 25,000 men, so eluded and deceived him, that for two days Pope was pretty much occupied in marching his 75,000 men to death, in fruitless efforts to find Jackson. When he did overhaul him finally on the 29th, it was to find him strongly posted near Groveton, where all attempts to drive him from his position were defeated for half a day, when Lee arrived with Longstreet's corps and the Confederate army was once more united in the presence of its adversary. Next day, August 30th, Pope having ordered a pursuit of Jackson, whom he fondly imagined to be flying, brought on a great battle with Lee's army, in which he was completely defeated, losing largely of prisoners and material of war. Driven across Bull Run, at nightfall, he rested at Centreville, where he was joined by two veteran corps from McClellan's army. But even with these reinforcements he was in no condition to risk another battle, and therefore withdrew, on the 2d of September, to the lines of Washington. McClellan was again placed in command of the Federal army, and was able in a short time to organize, from the large bodies of troops around Washington and Alexandria, which had been unengaged in Pope's operations, as well as from the débris of Pope's command, the great army which he carried to Sharpsburg.

Lee's strategy in the campaign of August, 1862, was in all essential particulars, successful. In failing to fight Pope when he was south of the Rappahannock, he lost the advantages of victory which could not be gathered at Manassas; but his final movement, by which Pope was cut off from McClellan and defeated while the latter was but thirty miles away, was one of the boldest operations in military history, as its skilful execution by Jackson was one of the greatest achievements of that soldier.

Colonel Allan's paper was followed by an interesting lecture on "The Value of Topographical Knowledge in Battles and Campaigns," by Major Hotchkiss, of Staunton, Virginia, formerly Topographical Engineer on the staffs of Generals Robert E. Lee, T. J. Jackson, R. S. Ewell, and J. A. Early. The lecturer sketched rapidly, with colored crayons upon a large blackboard, the physical conformation of the Valley of Virginia, and described, in a most graphic and effective way, "Stonewall" Jackson's valley campaign. After the lecture, which was warmly applauded, Mr. Bancroft, with great enthusiasm, grasped hands with the Confederate officer and earnestly congratulated him upon the wonderful success of his description of a most remarkable campaign.

Abstract of President Welling's Paper.

The President of Columbian University, in whose large hall the sessions of the Association were held, addressed the Association, by special request, upon a topic which he is now investigating, namely, "The State-Rights Theory: Its Evolution and Involution in American Politics." The following is merely an outline sketch of the paper, designed to show the titles of its several heads:

I. How the roots of the State-rights theory are planted in our colonial history.

II. Its influence in giving form and pressure to the Articles of Confederation.

III. Its effect in differentiating popular opinion on meas-

ures of public policy from the close of the Revolutionary War down to the formation of the Constitution in 1787.

Key-note of this Epoch.

Alexander Hamilton, writing to General Washington under date of April 11, 1783, holds the following language: "There are two classes of men, sir, in Congress of very different views,—one attached to State, the other to continental politics. The last have been strenuous advocates for funding the public debt upon solid securities; the former have given every opposition in their power, and have only been dragged into the measures, which are now near being adopted, by the clamors of the army and the public creditors."—Sparks: "Correspondence of the American Revolution," vol. 4, p. 18.

IV. How it was sought by the so-called "Compromises of the Constitution" to fuse the differentiations of State opinions and State interests into the larger integrations of Federal power required in order to establish "a more perfect union" among the States and the people; and how these larger integrations of national polity resulted in—

(a) The formation of a *stable* equilibrium between the smaller and the larger States through the equality of suffrage guaranteed to the former in the Senate; and in

(b) The formation of an *unstable* equilibrium between the slave-holding and the non-slave-holding States,—an equilibrium implicitly concerted but not expressly defined in the Constitution.

Key-note of this Epoch.

"From the day when every doubt of the right of the smaller States to an equal vote in the Senate was quieted, they—so I received it from the lips of Madison, and so it appears from the records—exceeded all others in zeal for granting powers to the general government."—Bancroft: "History of the United States," vol. 6, p. 269.

"It seemed now to be pretty well understood that the real difference of interest lay not between the large and the small, but between the Northern and the Southern States. The institution of slavery, and its consequences, formed the line of discrimination."—James Madison, speaking in the Federal Convention of 1787, under date of July 14th. Elliot's Debates, vol. 5, p. 315; cf. *ibidem*, pp. 264, 265, 306.

V. How questions of pure State-rights were overlaid, after the adoption of the Constitution, by larger questions growing out of the unstable sectional equilibrium, which, by the

wrench and jar of its oscillations successively strained the bond of the Union, discovering at once the point of its weakness and the secret of its strength above and beyond the point of weakness; and how, as a natural consequence, we subsequently encounter the spectre of sectional discord emerging in—

(a) The debates of the first Congress;

(b) The debate on the admission of Kentucky and Vermont in 1791, with the similar intersectional struggle made thereafter to provide periodically, as far as possible, for the twin admission of a free and of a slave-holding State, in order to maintain the equipollency of the Northern and of the Southern interest;

(c) The tendency to the formation of geographical parties,—a tendency against which Washington left a solemn warning to his countrymen in the Farewell Address, not as the homily of a didactic patriotism, but because the dangerous antagonism was seen to be inherent in our political situation under the tug and pressure of the unstable sectional libration.

VI. How it came to pass in the later stages of John Adams' administration that questions of personal liberty, raised by the Alien and Sedition Laws, led for the first time under the Constitution to the distinct formulation of a pure and simple doctrine of State-rights, as embodied in the so-called "Resolutions of '98 and '99," passed by the Legislatures of Kentucky and Virginia in those years.

Recapitulation of Disputed Points about these Resolutions.

(a) Who participated in the conference at Monticello when the draft of the Kentucky Resolutions was concerted?

(b) What share, if any, did John Breckinridge have in their conception and original digest?

(c) To whom in Kentucky did Jefferson send his draft of the Kentucky Resolutions?

(d) When did the question of their true paternity first become a moot point in Kentucky?

(e) When did Jefferson's avowal of their authorship, as

made in his letter to Joseph Cabell Breckinridge in 1821, become publicly known, and how was the avowal received?

(f) When and why was the Kentucky series garbled for the first time by the omission of an important clause in the first resolution, as printed in Elliot's Debates *after the year* 1832, though before that date it had appeared in that publication without mutilation?

(g) Did the Resolutions of '98 and '99, in either the Kentucky or Virginia series, as finally and formally adopted in the name of these States, contemplate any proceedings outside of the lines of constitutional discussion or revision; and as affirmative statements to this effect, when made thirty years afterward by the leaders of "South Carolina Nullification," were strenuously denied by Republican statesmen like Madison in Virginia and Henry Clay in Kentucky, who had been contemporaneous with the passage of these declarations in each of the said States, can any contemporaneous document or recorded evidence be cited in contradiction of their testimony, to show that these Resolutions were understood *in the South Carolina sense* by either the friends or opponents of the one series or the other at the time of its passage and promulgation?¹

VII. How questions of State-rights, after the brief agitation of 1798 and 1799, soon relapsed into larger questions growing out of the unstable equilibrium of the sectional interests enfolded in the compromises of the Constitution; and how questions of this unstable equilibrium, *masquerading under the disguises of a simulated State-rights*, successively arose to vex our national politics, as seen

(a) In sectional debates on the acquisition of Louisiana and Florida, on the settlement of the Oregon question, the annexation of Texas, the Mexican conquest and purchase, etc., etc.;

(b) In the government of the Territories, at once conceal-

¹ On this point, as indeed on all the other disputed points recapitulated under this head, the writer has collected a considerable mass of documentary evidence, but he will be grateful for reference to any genuine information which shall serve to throw further light on this much-obscured page in our political annals.

ing and revealing the smouldering fires of the civil strife which at last broke out in armed conflict on the plains of Kansas ;

(c) In the discontents of New England, which, dating from 1804, and venting themselves in sporadic mutterings of disunion, were rather composed than embittered by the concerted action of the Hartford Convention in 1814-15 ;

(d) In disputes arising from the incidence of tariff taxes, because, as was alleged, of their unequal bearing on the interests of the planting and the trading States ;

(e) In the disposition of the public lands, insomuch that so harmless a motion as "Foot's Resolution" in 1830 led to a protracted and acrimonious sectional debate ;

(f) In the passage of the Missouri Compromise and its repeal ;

(g) In the nullification controversy under each of its theoretical aspects, to wit : (1) That a State may provisionally nullify a law of Congress, if "palpably" unconstitutional, until its constitutionality shall be affirmed by three fourths of the States. (2) That each State may, in the exercise of its "reserved rights," nullify an act of Congress, held by it to be unconstitutional ; and that this "reserved right" exists *under* the Constitution, not indeed in its express letter, but by a necessary corollary from the mode of its formation by the accession of individual States. (3) And, finally, the theory of nullification, as reduced by Mr. Calhoun to the forms of a compact system, in which provision was made for a Dual Executive with a veto power vested in each of its heads for the countercheck of all legislation inimical to each of the sections comprised in the equilibrium. This scheme of sectional checks and counterchecks was not a thesis in speculative politics. Its author did but frankly propose to render explicit and structural the terms of the sectional equilibrium which had been left implicit and functional in our national body-politic as it came from the framers of the Constitution in 1787.

VIII. How questions of State-rights, as complicated with the larger questions of the unstable sectional equilib-

rium, finally resulted in the theory of secession, and in the armed struggle of eleven States to carry that theory into effect.

IX. How pure and simple questions of State-rights, after being overlaid for generations by the more obtrusive issues of sectional politics, but still remaining none the less perennially inherent in our polity, are henceforth more likely than ever to furnish the real line of ultimate discrimination between our national parties; and how this discrimination, now that it has been relieved from the stress and pressure of vast conflicting interests, which blinded first one section and then another to the perception of the true rights of the States in combination with the just prerogatives of the Federal government, is more likely than ever to mark hereafter the objective points of a wholesome and beneficent contention for the maintenance of the true constitutional balance between the States and the general government.

X. How the balance between the rights of the States and the powers of the general government, after having been rudely jostled for a time by the shock of arms, and by the collisions of sectional passion during that sequel of the war known as the Reconstruction Period, has been slowly but surely redressing itself from year to year during the last two decades, as witnessed in—

(a) The growing subsidence of sectional debate in Congress;

(b) The general drift of the decisions of the Supreme Court affirming the just rights of the States;

(c) The progress of unsectional political opinions at the North and the South;

(d) The restored autonomy of all the Southern States, and the consequent quiet transfer of power from the Republican to the Democratic party at the last Presidential election; in marked contrast with the anomalous proceedings by which such a transfer was balked in 1876, (with the approval of the one party and the submission of the other,) because of the imperfect autonomy of certain among the "Reconstructed States."

For the long epic movement of our past political history—that is, from the formation of the Constitution down to the close of our civil war,—the key-note of our discussions, under the ever-increasing swing and sweep of the unstable sectional equilibrium, was struck by Abraham Lincoln, at Springfield, Illinois, on the 17th of June, 1858, in the following impressive and memorable words: “In my opinion the slavery agitation will not cease until a crisis shall have been reached and passed. ‘A house divided against itself cannot stand.’ I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house will fall, but I do expect it will cease to be divided. *It will become all one thing or all the other.*”

These words are but the reverberation (in deeper tones, because coming from a broader sounding-board) of similar words spoken more than twenty years earlier by Mr. Calhoun when he said: “It is impossible, under the deadly hatred which must spring up between the two great sections, if the present causes are permitted to operate unchecked, that they should continue under the same political system.”—Calhoun’s Works, vol. ii., p. 629. And in his dying speech, delivered in the Senate on the 4th of March, 1850, he found “the primary cause” of the Southern discontents in the fact “lying back” of the slavery agitation, “that the equilibrium between the two sections in the government as it stood when the Constitution was ratified and the government put in action had been destroyed.”

If the drift of high constitutional discussion for the future has been rightly presaged in this paper, then it may be said that the key-note of such discussion, so far as concerns the relations of the States to the Federal government, was clearly and accurately struck by Chief-Justice Chase, when, in delivering the opinion of the Supreme Court, on the status of the State of Texas, in the December term of 1868, he held the following measured and significant language: “Not only can there be no loss of separate and independent autonomy to the States through their union under the Constitution,

but it may be not unreasonably said that the preservation of the States, and the maintenance of their governments, *are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the national government. The Constitution in all its provisions looks to an indestructible Union of indestructible States.*"

EVENING SESSION.

THURSDAY, *April 29, 1886.*

To the surprise and satisfaction of the Association, its venerable President reappeared at the evening session, after having presided throughout the morning exercises. He was greeted with prolonged applause by the largest audience of the three days' convention. The address of the evening was by Dr. George E. Ellis, President of the Massachusetts Historical Society, upon "The Reconstruction of History." The address is here printed in full:

Dr. Ellis on the Reconstruction of History.

History, like most of the works of human minds and hands, requires from time to time reconstruction, revision, readjustment to the truth of things. There is the same occasion, the same necessity for this faithful work in reproducing narrations of the great events of history in the past as there is for the production of treatises and essays presenting the freshest results in the advance of the modern sciences, the discoveries, and the inventions of the passing years.

I state thus strongly the equal force of the reasons which prompt the historical writer to revise the works of all his predecessors on the same subject, with those which require that in each of the progressive sciences we should have bulletins of the stages of experiment and knowledge reached in it, because I wish, by the statement, to meet a prevalent and superficial notion that seems to be a denial of it. The notion is, that the demands of a sufficient and faithful historical narration of great epochs and events have been substantially met in the mountain masses of volumes already gathered in our libraries. Why, it is often asked, why tell

over and over again an old, old story, already repeated times enough, with its necessary mixture of truth and error, with variations, divergencies, corrections, and digests, meeting all the necessities of readers, and confounding them with the present supply? Continue as briskly as possible the unfolding revelations of science, but be content with the stories of the past, as abundantly recorded. This is the plea of saturated readers and of exhausted purchasers.

Objections founded on this plea are frequently urged to the scheme and method of an encyclopedia on a vast, comprehensive, and voluminous scale, like the *Britannica* or the *Metropolitana*. While the latter volumes have not yet passed through the press, much of the matter in the scientific articles in the earlier volumes is already antiquated by fresh discoveries and inventions. So it is urged that it is unwise to bind together with such incomplete scientific matter articles in biography and history which are merely repetitions, because dealing with fixed facts in the past. But if one will run through the volumes of the newest and best encyclopedia he will find that the editor engages the ablest writers to reconstruct historical narrations, and even biographies, that have been produced over and over again. There are reasons which justify, which demand this course, as much in the departments of even the most ancient matters of history as in the unfoldings of the rapidly progressive sciences.

Most wisely has the projector and editor of the elaborate and voluminous work, entitled *The Narrative and Critical History of America*, set for himself among other rules for his guidance, these two: first, that he will not anticipate a purpose to be matured only at some later time, of attempting to turn into history our recent past of strife and war; and, second, that the first of the eight volumes in the series, that one which is to deal with the most ancient themes, shall be the last for writers and printers to complete. It is only in this passing year, as the opportune time in the ages, for the proposition to be seriously urged for removing the heaps of sand from the base and the lower portions of the

Egyptian Sphinx, to learn what this mysterious emblem was when the light of the old sun first shone on its early freshness. The designation of *prehistoric*, as applied to times and events of which we have only monumental relics, without any written documents, is a most appropriate one; and how those times and events are to be made the themes of positive and assured statements, allowing a range for conjecture, inference, and theory, presents the gravest problem to the historian. It is an easy task to dig away the sand, but sand is not the only obstructing medium of truth about far-off times and things. No statute of limitation as to time and the hearing and searching of new evidence applies to themes of history, as it does to cases of civil litigation. The oldest controversies, the obscurest enigmas in history, and those who stand labelled in biography as culprits, may claim in perpetuity to have their records re-opened.

There are two paramount reasons which warrant and demand reconstructions of historical narratives for successive generations of readers: first, the securing of the most accurate, and, if possible, exhaustive information as to the facts relating to any subjects—and new facts are constantly coming to the light concerning the oldest themes; second, a severe impartiality in the statement of the characters, opinions, influence, and actings of prominent persons. There are many pregnant historical questions still in the docket, which, from time to time, will have a rehearsing with fresh pleadings. It seems at times as if we were overlaying our own history by the innumerable productions which in recent years have come from individual pens, from State, county, and town annals, monographs on important events, centennial celebrations, etc. Yet in each and all of these there are pages, paragraphs, or at least sentences, which, digested in elaborate volumes, will help to the truest philosophy of history.

That would, indeed, be a most curious and instructive volume, and it would needs be a large one, which would essay to gather from all histories of all times the world over

—histories, too, which have merit and repute, a classified list of the errors, misstatements, and absolute falsifications, which have found currency as attributable either to simple ignorance, credulity, imagination, prejudice, or malice in the writers. The blunder of an ignorant Dutchman in his attempt to turn a few sentences of English into French, came very near causing it to pass into history that Washington admitted that he had *assassinated* Jumonville. Mr. Sparks found the rectification of the blunder required from him research and argument. Mr. Adolphus' history of our revolutionary war is in many respects creditable to him, but his readers learn from his pages (II., 257) that of the British soldiers who fell at Concord and Lexington, "several were scalped, or had their ears cut off by the Americans." To those who read in our papers of the periodical meetings and benevolences of the flourishing Society of the Cincinnati, since its Centennial, it is startling to read in Adolphus (III., 591) that the formation of the Society was so hateful and alarming to the people "that its extension beyond the persons of its founders was abandoned, and the project has no traces of existence, but in name and memory."

But far more than this. History is now put to the task of presenting to us something beyond a record of facts, however thoroughly sifted and authenticated. The application of the full theory of evolution to the composition of historical narratives might of itself alone require a general reconstruction of history for its interest and instruction. Heretofore a relation of facts, events, incidents, has been the chief object of the historian. Now these facts, stated with all lucidness and accuracy, are to form the mere elements and materials for a much higher use than they serve if we stop with themselves. They are now to be assorted, disposed, digested, and interpreted as they bear upon the development of great forces and principles evolving a steady advance and progress. The relation between happenings, facts of occurrence, events, and the working forces in them, the action of new elements from a fresh field, causing the rotten decays of what grew on an old field—illustrated, for instance,

in the agencies which wrought such different results between the American revolution and the immediately following French revolution—require something more than the certification of occurrences, and carry us down into the roots of the whole science of humanity and policy. No longer do we now read the history of our war for Independence—as written for nearly a century—as a mere quarrel about taxes, the resistance by the colonists to the imposition of grievances by the mother country, but we trace in it the outburst and development of forces and events which were to give birth to an original nationality, on a new continent, with wholly novel instincts and institutions.

Far better is it that the history of all great events and eras should from time to time be reconstructed than that the old volumes should be reproduced from the press. How few, indeed, of these are found worthy of that renewal! Herodotus and Thucydides, Tacitus and Pliny, are kept in living type, not as repositories of facts of the past, but for quite other uses of discipline and study. Gibbon alone of all the historians has been read for a century, and the body of annotations needed to accompany his pages is constantly extended by successive editors.

Abstract of Dr. Jameson's Paper.

Dr. J. F. Jameson, associate in the Johns Hopkins University, presented a paper upon Willem Usselinx, founder of the Dutch and Swedish West India Companies. This consisted in part of extracts from, in part of a summary of, an extensive monograph upon this subject prepared by him, which is to be published in the papers of the American Historical Association. Little has been known of Usselinx hitherto, though Professor van Rees, in his *Geschiedenis der Staatshuishoudkunde in Nederland*, in the course of his account of the origin of the Dutch West India Company, gives some valuable information concerning a portion of his life. For most parts of it, however, the present account gives entirely new information; and all parts rest upon original sources. Of nearly all the books and pamphlets

written by or attributed to Usselinx, copies are to be found in one or another of the libraries of America; transcripts of the others have been obtained. Contemporary books bearing on the subject in any of our libraries have been consulted. The Usselinx papers among the manuscripts bought at the Murphy sale by the New York State Library have been used. Copies of all other letters of his and resolutions of the States-General regarding him now to be found in the Royal Archives at the Hague have been obtained; also, from the library of the University of Leyden, a complete set of copies of all the resolutions of the States of Holland in regard to either Usselinx or the West India Company, down to the last years of his life. The Royal Archives at Stockholm have supplied a still greater mass of copies, mostly of letters of Usselinx to Chancellor Oxenstjerna. Much additional material of value has been obtained from the municipal or provincial archives of many of the towns which Usselinx visited in the course of his numerous and extensive journeys. The attempt has been made to develop at every point the relations of his career to the history of the times, both in the Netherlands and in the many countries embraced in the wide scope of his travels. A complete and accurate bibliography of all his writings, some of which are now very rare, has been attempted; it has been found possible to add much to the list given in Asher's Bibliographical Essay upon the Dutch Books and Pamphlets relating to New Netherland, and to improve it in many particulars.

The life of Usselinx was in brief this: Born in 1567 at Antwerp, he spent some years in Spain and the Azores, where he acquired great knowledge of the trade of the West Indies. Returning to the Netherlands, he labored for many years to secure the erection of a West India Company. In the interest of this design, he vigorously opposed the conclusion of the Twelve Years' Truce and the policy of the party of Oldenbarneveld. During the truce he engaged in the operations for the draining of the Beemster; at its close, though now bankrupt in fortune, he resumed his efforts in behalf of his cherished design. In 1621 the Dutch West

India Company, famous in American history as having established the colony of New Netherland, was finally chartered. But Usselinx, dissatisfied with its constitution, discredited, and insufficiently rewarded, went over, after a visit to Denmark, into the service of Gustavus Adolphus, who almost at once, in 1624, established the Swedish South (or West India) Company. In behalf of this company Usselinx did a great amount of work, and made extensive journeys, first through Livonia, Esthonia, and Finland, afterwards to the Hanse towns and other free cities of the empire, Paris, etc., as well as to the Netherlands. The occurrence of the Thirty Years' War made his efforts vain. The company settled Delaware, but not under his direction. Disappointed by his failures, he returned to the Netherlands, and after a few years died, apparently in 1647. He was an ardent and enthusiastic man, though so much a man of one idea that he eventually lost influence among his contemporaries. He deserves a high place among the economic writers of that day, held advanced views upon matters of colonial policy, and is of interest to Americans as having been indirectly the originator of two of our colonies.

Abstract of Dr. Edward Everett Hale's Paper.

A brief account of Dr. Hale's study of "Franklin in France" was presented by his son, Edward Everett Hale, Jr., who had conducted investigations for his father in the library of the State Department. He pointed out that the period of Franklin's stay in France was nearly synchronous with the Revolutionary War. Franklin sailed some few months after the Declaration of Independence, and returned a little while after the Definitive Treaty of Peace. His stay abroad therefore covers all the foreign relations of the United States during the Revolution, and is thus a subject of very great interest. A study of Franklin's life in France must discuss the question of foreign alliances for the United States as they appeared to Congress in the year 1776. It must take up the feeling of France toward America, and must present a history of the aid furnished by that power whereby the

Revolution was brought to a successful end. The proceedings of the American Commission at Paris must be stated, and the question of French neutrality before the Treaty of Alliance should be discussed. This treaty, following almost immediately upon the defeat of Burgoyne, was one of the most important events of the war. From this time, for some years, the subject does not present so much interest as in the years before, although to these later years belongs the brilliant episode of John Paul Jones and the *Bon Homme Richard*. But of the greatest interest are all matters pertaining to the negotiation of the treaty of peace, beginning with the fall of the North ministry after the siege of Yorktown and ending with the signing of the Definitive Treaty.

Here are questions of importance to the student of American history. They are incidentally treated in many works, but in no one of them in a manner wholly adequate and satisfactory. At this time, too, there is much new original material which may be consulted by the student. The Henry Stevens collection of Franklin papers, at present in the State Department, throws a flood of light on the whole subject. The Franklin papers in the library of the American Philosophical Society have never been exhaustively examined with reference to this subject. There is much relating to it that has never been printed in the Sparks collection of MSS. in the Harvard College library. And Mr. Bancroft has in his collections papers which serve to illustrate fully every step in the negotiation of the Treaty of Peace. Thus it seems as though there were room for a new treatment of the subject.

Mr. Stewart's Report on Historical Studies in Canada.

Mr. Justin Winsor presented, in the name of the author, the following "Notes on the Present Condition of Historical Studies in Canada," by George Stewart, Jr., President of the Literary and Historical Society, Quebec, Canada:

Historical research in the Dominion has been greatly stimulated by the Royal Society of Canada, which was founded in 1882 by the Marquis of Lorne, then Governor-General, for the encouragement of studies and investigations

in history, literature, archæology, and science, and the publication of original papers and memoirs of merit on subjects relating to the Dominion. Though only in its fifth year of existence, the society has accomplished a considerable amount of useful work, many valuable papers have been read before its Fellows, and a judicious selection from the number presented have found their way in the annual volumes of Proceedings and Transactions. The society is divided into four sections of twenty members each, the first two being devoted to history, archæology, and literature, and the third and fourth to the sciences. The proceedings of number one are transacted in the French language, those of number two are conducted in English. The principal papers read before section one at the last general meeting were as follows :

1. Les premières pages de notre histoire, par Louis Fréchette, LL.D.

2. Prétendues origines des Canadiens-Français, par Benj. Sulte.

3. Un des oubliés de notre histoire—le capitaine de vaisseau Vauquelain, par Faucher de Saint Maurice, M.P.P.

4. Biographie de Gérin-Lajoie, par l'Abbé Casgrain, D.D.

5. La race française en Amérique, par Napoléon Legendre.

6. L'Angleterre et le clergé français réfugié pendant la révolution, par l'Abbé Bois.

7. La frontière nord de la province de Québec, par Paul de Cazes.

8. L'élément étranger aux États-Unis, par Faucher de Saint-Maurice.

9. À travers les registres, par l'Abbé Tanguay, D.D.

Before section two the following papers were read:

1. The Half-Breed, by John Reade.

2. Vita sine Literis, by John Reade.

3. Sources of Early Canadian History, by George Stewart, Jr., F.R.G.S., D.C.L.

4. The Adventures of Isaac Jogues, by Rev. W. H. Withrow, D.D.

5. The Annals of an Old Society, by John M. Harper, Ph.D.

6. The Artistic Faculty in Aboriginal Races, by Dr. Daniel Wilson, F.R.S.

7. Palæolithic Dexterity, by Dr. Daniel Wilson.

8. The Five Forts of Winnipeg, by Rev. George Bryce, LL.D.

A number of valuable papers have already been sent in to the secretaries of sections one and two for the coming meeting of the society at Ottawa in May next. At this meeting the society will consider Prof. Bryce's (Winnipeg) paper on the desirability of forming a Canadian Camden Society for the publishing of memoirs and old books relating to Canadian history and travel, the work to be done under the auspices of the Royal Society.

Local historical societies throughout Canada, such as the Literary and Historical Society of Quebec, the Canadian Institute, Toronto, the Montreal Historical Society, and the historical societies of New Brunswick, Nova Scotia, and Manitoba are in a fair state of activity, and report progress in their several departments of investigation. The Literary and Historical Society of Quebec have in press this year, 1886, Abbé Belmont's "*Histoire du Canada*." Forty-three years ago a small edition of this brochure was issued by the society, few copies of which exist to-day. The Literary and Historical Society recently acquired by purchase a valuable collection of MSS.,—the diary of Overseer of Works James Thompson, one of Wolfe's veterans, which treats of events in the history of Canada from 1759 to 1830.

The government of Quebec has begun the publication, in four large volumes of over one thousand pages each, of the original register and proceedings of council of New France, from 1663 to 1693. Vol. i., containing a lengthy introduction by Dr. Chauveau, F.R.S.C., has already been issued, and the second volume is to follow in May.

The archives department at Ottawa, under the charge of Mr. Douglas Brymner, is now in an admirable condition for consultation. Many valuable MSS. and public documents of the highest importance have been added to the collection. These are all properly indexed and rendered easy of access

to the student. The Haldimand collection of papers, lately secured for this department of the public service, is very complete, and numbers many volumes.

GEORGE STEWART, JR.

Quebec, 16 April, 1886.

Appointment of Committees.

The following committees were appointed on Wednesday, April 28th, at the morning session :

1. Committee on Nominations—Major-General George W. Cullum, of New York City; Professor Alexander Johnston, of Princeton, N. J.; Edward G. Mason, Esq., of Chicago, Ill.

2. Committee to Audit the Treasurer's Report—General R. D. Mussey, of Washington, D. C.; Judge Charles A. Peabody, of New York City.

3. Committee on Necessary Resolutions—Professor Moses Coit Tyler, of Ithaca, N. Y.; Eben Greenough Scott, Esq., of Wilkes-Barre, Pa.

By agreement of the Executive Council, April 29, 1886, the following committees were continued in office :

4. Committee on Finance—Major-General George W. Cullum, of New York City; William B. Weeden, Esq., of Providence, R. I.; Clarence W. Bowen, Treasurer, 251 Broadway, New York City.

5. Committee on Time and Place of Next Meeting—Justin Winsor, Cambridge, Mass.; Professor W. F. Allen, Madison, Wisconsin; Herbert B. Adams, Secretary, Johns Hopkins University, Baltimore, Md.

Board of Officers for 1887.

Upon recommendation by the Committee on Nominations, the following Board of Officers was elected by the Association, April 28, 1886, for the ensuing year :

President—Justin Winsor, Librarian Harvard University, Cambridge, Mass.

Vice-Presidents—Charles Kendall Adams, President of Cornell University, Ithaca, N. Y.; William F. Poole, LL.D., Librarian Public Library, Chicago, Ill.

Secretary—Herbert B. Adams, Associate Professor of History, Johns Hopkins University, Baltimore, Md.

Treasurer—Clarence Winthrop Bowen, Ph.D., No. 251 Broadway, New York.

Executive Council—(in addition to the above-named officers) Charles Deane, LL.D., Cambridge, Mass.; William F. Allen, Professor of History, University of Wisconsin, Madison, Wis.; Franklin B. Dexter, Professor of American History, Yale College, New Haven, Conn.; Hon. William Wirt Henry, Richmond, Va.

AMENDMENT TO THE CONSTITUTION.

APRIL 29, 1886

Resolved, To amend Article III. of the Constitution of the American Historical Association by striking out the words "twenty-five dollars" and introducing in place thereof "fifty dollars," as the regular life-membership fee of the American Historical Association, said amendment to go into effect January 1, 1887.

NOTE.—In view of the fact that members of the Association have not been generally notified of the passage of this amendment, in consequence of unavoidable delay in the issue of the present report, the Executive Council recommend provisionally that the date when the amendment shall take effect be June 1, 1887, instead of January 1, 1887, this recommendation to be submitted for ratification to the general Association at its fourth annual meeting.

RESOLUTIONS BY THE ASSOCIATION.

The following important resolutions were adopted by the American Historical Association at its third annual convention:

1. Resolutions concerning the 400th Anniversary of the Discovery of America.

Whereas, It is suitable that the Four Hundredth Anniversary of the Discovery of America by Christopher Columbus should be celebrated in 1892 in a distinguished manner; and

Whereas, It is necessary for such a celebration that there should be harmony of plan and action between the countries of America and Europe which shall take part in it; and

Whereas, It is proper that the United States should be active if not foremost in such an international celebration; therefore

Resolved, That the American Historical Association would respectfully call the attention of the Government of the United States to the important anniversary but a few years distant, with a view to such national and international action as may seem worthy of this occasion. And, further,

Resolved, That a committee of five members of the American Historical Association be hereby appointed to wait upon the President of the United States, and respectfully to request him to bring before Congress the question how the Four Hundreth Anniversary of the Discovery of the New World may be celebrated in a manner worthy of the country and of the event to be commemorated.

In pursuance of these resolutions, which were passed Wednesday A.M., April 28th, a committee of five members was appointed upon nomination. The committee consisted of Hon. George Bancroft, President of the Association; Mr. Justin Winsor, First Vice-President of the Association; Hon. George F. Hoar, Senator from Massachusetts; Hon. Joseph R. Hawley, Senator from Connecticut; and Dr. George B. Loring, of Washington, D. C. The committee waited upon President Cleveland, at an appointed hour on Wednesday afternoon, and were kindly received in a special interview. Mr. Bancroft stated the wishes of the Association in a general way, without committing its influence to any particular form of celebration. The President signified his willingness to bring the matter before Congress, which he has since done.

2. Resolutions for the Better Preservation of Historical Materials.

The American Historical Association, by special resolution, April 29, 1886, hereby makes the following suggestions for the better preservation of historical materials in this country:

- (1) In the frequent lack among us of the continuity of

families, in circumstances favorable to the preservation of important historical materials, attention is directed to the continuity of learned corporations, such as colleges and historical societies, and to the possible use of these as the safest custodians of all historical materials now in private hands.

(2) The attention of such learned corporations, particularly of State, County, and Town Historical Societies, is earnestly directed to the importance of their attracting to themselves the custody of important historical materials, by providing themselves with buildings, or at least portions of buildings, which are really proof against fire.

(3) All persons interested in historical studies, in all parts of the country, are urged to take some pains to ascertain the existence, and the present condition, of historical materials that may now be in private hands in their respective neighborhoods, and wherever possible to induce the possessors of such materials to place them, either as a gift or as a trust, in the custody of permanent public societies, or in that of the government wherever the materials are of such a character as to give it the best claim upon them.

3. Resolutions concerning the Ohio Centenary.

A resolution respecting the proposed celebration of the one hundredth anniversary of the settlement of the Northwest Territory, was referred to the Executive Council which has since adopted the following:

Recognizing the fact that the acquisition of the Territory northwest of the Ohio was of the greatest consequence to the growth and development of the United States, and being informed of a purpose to celebrate at Marietta, in 1888, the centennial of the first settlement in that Territory, the American Historical Association perceive that purpose to be a proper recognition of the beginning of what has become one of the most important divisions of the American Union.

4. Resolution of Thanks to the Columbian University.

Resolved, That the thanks of this Association are hereby tendered to the President and Trustees of the Columbian

University, for their great courtesy in placing this commodious hall, and its appurtenances, at the service of the Association.

M. C. TYLER, }
E. G. SCOTT, } Com.

5. Resolution of Thanks to the Cosmos Club.

Resolved, That the thanks of this Association are hereby tendered to the Cosmos Club for the courtesies extended to us during our convention in Washington.

M. C. TYLER, }
E. G. SCOTT, } Com.

6. Resolution of Thanks to Mr. George Bancroft.

Resolved, That the thanks of this Association be communicated by the Secretary to its retiring President, Mr. George Bancroft, for the services he has rendered to its deliberations by his presence and sympathetic interest.

Mr. Bancroft thereupon expressed his appreciation of the work of the Society, and said that, among all the conventions which he, in the course of his long life, had attended, there had not been one of such historical interest to him, not one in which the communications had been so uniformly excellent.

7. Resolution of Thanks to the Association by Citizens of Washington.

General Mussey, of Washington, said just before the adjournment of the Association: "Mr. President, I have a resolution, or motion, to offer which does not come from the Executive Committee. As a citizen of Washington—if there may be such a thing as citizenship here—I offer it. I know that I speak the sentiment of every citizen and resident of this City and District who has been fortunate enough to attend the meetings of this Association, in expressing gratification that the Association has honored us with its presence on the occasion of its third annual meeting; and in their behalf I propose a vote of thanks to your Association for the honor you have done us and the pleasure you have given by your meeting here."

Senator Hoar then said: "I rise to second this motion just made. I am a resident of Washington rather than a citizen of it, but I none the less appreciate the high value of such a meeting as your Association has held here, to the citizens of this place. The instruction directly derived from the papers that have been read, the incentive which they have furnished to the pursuit of historical studies by those who have heard them, and the opportunity which this meeting has afforded to meet the learned and distinguished gentlemen who constitute your Society—all of these considerations unite to justify, and demand, the recognition proposed by this motion, which I take pleasure in seconding.

"Especially noteworthy and memorable is the opportunity which this meeting has given of seeing *you*, Mr. President, and meeting you here surrounded by, and presiding over, this body of students of history. I know of no scholar living, and of none dead, unless it may be Gibbon, other than yourself, to whom it has been given to undertake in his youth the history of a great empire, and after sixty years to see that undertaking completed and become a classic. Gibbon wrote of the loss of liberty, the decadence and fall of a nation; you wrote of the establishment of liberty on a virgin soil, of the founding and growth and vigorous life of a nation which you leave at the end of its first century, full of promise of a continued and yet grander existence. And I repeat, sir, we shall never forget that we have had the honor and pleasure to meet you and see you here." (Applause.)

General Mussey then took the floor again, and said: "It would be inappropriate for you, Mr. President, to put this motion, which I feebly made and which Senator Hoar has so strongly seconded. I therefore ask all citizens and residents of this District who favor it to rise. [After a moment's pause.] The entire audience is on its feet, and I declare the motion unanimously adopted."

The Association then adjourned.

TREASURER'S REPORT TO THE AMERICAN HISTORICAL ASSOCIATION.

GENTLEMEN: Your Treasurer has the honor to report as follows:

The RECEIPTS since Sept. 1, 1885, have been

or annual dues, for 1885, from 7 members . . .	\$ 21 00
or annual dues, for 1886, from 279 members, . . .	837 00
or life membership fees from 31 members at \$25 each . . .	775 00
Dividend of 4% on 4 shares stock, National Bank of Commerce . . .	16 00
Total receipts since Sept. 1, 1885 . . .	<u>\$1,649 00</u>
or cash on hand Sept. 1, 1885 . . .	1,052 21
Total . . .	<u>\$2,701 21</u>

EXPENDITURES.

To paid for printing bills, circulars, etc., for postage and stationery—vouchers 1, 2, 7, 8, 9, 13, and 15, . . .	\$89 55
To paid for books—vouchers 3, 5, and 6 . . .	26 05
To paid Messrs. G. P. Putnam's Sons for printing the Association's publications—vouchers 10, 11, 12, and 14 . . .	629 00
To paid for 4 shares of National Bank of Commerce of New York stock at \$155.25—voucher 4 . . .	621 00
Total expenditures . . .	<u>\$1,365 60</u>
To cash on hand . . .	1,335 61
	<u>\$2,701 21</u>

ASSETS:

Cash . . .	\$1,335 61
Market value 4 shares Bank of Commerce . . .	672 00
	<u>\$2,007 61</u>

Audited and found correct,

R. D. MUSSEY,
CHARLES A. PEABODY.

Respectfully,

CLARENCE W. BOWEN,
Dated New York, April 26, 1886.
Treasurer.

LIST OF MEMBERS

OF THE

AMERICAN HISTORICAL ASSOCIATION.

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A HISTORY
OF THE
DOCTRINE OF COMETS

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A HISTORY OF THE DOCTRINE OF COMETS

A PAPER READ BEFORE THE AMERICAN HISTORICAL ASSOCIATION AT ITS
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BY

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A HISTORY OF THE DOCTRINE OF COMETS.

FEW chapters in the evolution of astronomy are more interesting than the struggle between the theological and the scientific doctrine regarding comets—the passage from the conception of them as fire-balls flung by an angry God for the purpose of scaring a wicked world, to their recognition as natural in origin and obedient to law in movement. Hardly any thing throws a more vivid light upon the danger of wresting texts of Scripture to preserve ideas which observation and thought have superseded, and upon the folly of arraying ecclesiastical power against scientific discovery.

Out of the ancient world had come a mass of beliefs regarding comets, meteors, and eclipses; all these were held to be signs displayed from heaven for the warning of mankind. Stars and meteors were generally thought to presage happy events, especially the births of gods, heroes, and great men. So firmly rooted was this idea that we constantly find among the ancient nations traditions of lights in the heavens preceding the birth of persons of note. The sacred books of India show that the births of Crishna and of Buddha were announced by such heavenly lights.¹ The sacred books of China tell of similar appearances at

¹ For Crishna see Cox, "Aryan Mythology," ii., 133; the "Vishnu Purana" (Wilson's translation), bk. v., ch. 4. As to lights at the birth, or rather at the conception, of Buddha, see Bunsen, "Angel Messiah," 22, 23; Alabaster, "Wheel of the Law" (illustrations of Buddhism), 102; Edwin Arnold, "Light of Asia"; Bp. Bigandet, "Life of Gaudama, the Burmese Buddha," 30; Oldenberg, "Buddha" (English translation), pt. i., ch. ii.

the births of Yu, the founder of the first dynasty, and of the inspired sage, Lao-tse.¹ According to the Jewish legends, a star appeared at the birth of Moses, and was seen by the Magi of Egypt, who informed the king; and when Abraham was born an unusual star appeared in the east.² The Greeks and Romans cherished similar traditions.³ A heavenly light accompanied the birth of Æsculapius, and the births of various Cæsars were heralded in like manner.

As to the nature of these heavenly bodies, the Fathers of the Christian Church were divided. Origen thought them living creatures possessed of souls,⁴ and this belief was thought warranted by the beautiful Song of the Three Children, which the Anglican communion has so wisely retained in its liturgy. Other Fathers of the church thought the stars abiding-places of the angels, and that shooting-stars were moved by angels.⁵ The Gnostics considered the stars as spiritual beings governed by angels and appointed not to cause earthly events but to indicate them.⁶ Philo Judæus believed the stars beneficent spirits,⁷ and this belief was widely held by Jews, Greeks, and Christians. Among the Mohammedans we have a curious example of the same

¹ For Chinese legends regarding stars at the birth of Yu and Lao-tse, see Thornton, "History of China," i., 137; also Pingré, "Cométographie," 245.

² Regarding stars at the births of Moses and Abraham, see Calmet, "Fragments," part viii.; Baring-Gould, "Legends of Old Testament Characters," ch. xxiv.; Farrar, "Life of Christ," ch. iii. As to the Magi, see Higgins, "Anacalypsis;" Hooykaas, Ort, and Kuehnen, "Bible for Learners," vol. iii.

³ See Bell, "Pantheon," s.v. Æsculapius and Atreus; Gibbon, "Decline and Fall," i., 151, 590; Farrar, "Life of Christ" (Amer. ed.), 52; Cox, "Tales of Ancient Greece," 41, 61, 62; Higgins, "Anacalypsis," i., 322; also Lucan, i., 529; Suetonius, "Caes.," Julius 88, Claud. 463; Seneca, "Nat. Quaest.," i., 1; Virgil, "Ecl.," ix., 47; as well as Ovid, Pliny, and other Roman poets and historians.

⁴ See Origen, "De Principiis," lib. i., cap. 7.

⁵ See Leopardi, "Errori Popolari," ch. xi.

⁶ See Wilson, "Selections from the Prophetic Scriptures" (in Ante-Nicene Christian Library), 132.

⁷ See Philo Judæus, "On the Creation of the World," cap. 18, 19; "On Monarchy," cap. 1.

tendency toward a kindly interpretation of stars and meteors, in the belief of certain Mohammedan teachers that meteoric showers are caused by good angels hurling missiles to drive evil angels out of the sky.

Eclipses were regarded in a very different light, being supposed to express the distress of nature at earthly calamities.¹ The Greeks believed that darkness overshadowed the earth at the deaths of Prometheus, Atreus, Hercules, Æsculapius, and Alexander the Great. The Roman legends held that at the death of Romulus there was darkness for six hours.² In the history of the Cæsars occur portents of all three kinds; for at the death of Julius the earth was shrouded in darkness, the birth of Augustus was heralded by a star, and the downfall of Nero by a comet.³ Nor has this mode of thinking ceased in modern times. A similar claim was made at the execution of Charles I.,⁴ and Increase Mather thought an eclipse in Massachusetts an evidence of the grief of nature at the death of President Chauncey, of Harvard College.⁵ Archbishop Sandys expected eclipses to be the final tokens of woe at the destruction of the world, and traces of this feeling have come down to our own time. The beautiful story of the Connecticut statesman who, when his associates in the General Assembly were alarmed by an eclipse of the sun, and thought it the beginning of the day of judgment, quietly ordered in candles that he might in any case be found doing his duty, marks probably the last noteworthy appearance of the old belief in the civilized world.⁶

¹ For Indian theories, see Alabaster, "Wheel of the Law," 11.

² See Higgins, "Anacalypsis," i., 616, 617.

³ See Suetonius, "Caes.," Julius 88, Claud. 46; Seneca, "Quaest. Nat.," i., 1, vii., 17; Pliny, "Hist. Nat.," ii., 25; Tacitus, "Ann.," xiv., 22; Josephus, xiv., 12; besides the authorities above cited.

⁴ See a sermon preached before Charles II., cited by Lecky, "England in the Eighteenth Century," i., 65.

⁵ He thought, too, that it might have something to do with the death of sundry civil functionaries of the colonies. See his "Discourse concerning Comets," 1682.

⁶ For Abp. Sandys' belief see his eighteenth sermon (in Parker Soc. publications).

In these beliefs regarding meteors and eclipses there was little calculated to do harm by arousing that superstitious terror which is the worst breeding-bed of cruelty. Far otherwise was it with the belief regarding comets. During many centuries they gave rise to the direst superstition and fanaticism. The records of every nation are full of these. The Chaldeans alone among the ancient nations seem to have regarded comets without fear, and to have thought them bodies wandering as harmless as fishes in the sea; the Pythagoreans alone among philosophers seem to have had a vague idea of them as bodies returning at fixed periods of time; and in all antiquity, so far as is known, one man alone—Seneca—had the scientific instinct and prophetic inspiration to give this idea definite shape, and to declare that the time would come when comets would be found to move in accordance with natural law.¹ Here and there a few strong men rose as individuals above the prevailing superstition. The Emperor Vespasian tried to laugh it down, and insisted that a certain comet in his time could not betoken his death, because it was hairy, and he bald; but such scoffing produced little permanent effect, and the prophecy of Seneca was soon forgotten. Such isolated utterances could not stand against the mass of superstition which upheld the doctrine that comets are "signs and wonders."²

The belief that every comet is a ball of fire flung from the right hand of an angry God to warn the grovelling dwellers of earth was received into the early Church, and transmitted through the middle ages to the Reformation period; and in its transmission it was made all the more precious by supposed textual proofs from Scripture. The great Fathers of the Church committed themselves unreservedly

¹ For terror caused in Rome by comets see Pingré, "*Cométographie*," 165, 166. For the Chaldeans see Wolf, "*Geschichte der Astronomie*," 10 *et seq.*, and 181 *et seq.*; also Pingré, "*Cométographie*," ch. ii. For the Pythagorean notions see citation from Ptolemy in Costard, "*History of Astronomy*," 283. For Seneca's prediction see Guillemin, "*World of Comets*" (translated by Glaisher), 4, 5; also Watson, "*On Comets*," 46.

² For this feeling in antiquity see the preliminary chapters of the two works last cited.

to this doctrine. Origen insisted that comets indicate catastrophes and the downfall of empires and worlds.¹ Bede, so justly revered by the English Church, declared in the seventh century that "comets portend revolutions of kingdoms, pestilence, war, winds, or heat"; and John of Damascus, his eminent contemporary in the Eastern Church, took the same view.² Hrabanus Maurus, the great teacher of Europe in the ninth century and an authority throughout the middle ages, adopts Bede's opinion fully. St. Thomas Aquinas, the great light of the universal church in the thirteenth century, whose works the Pope now reigning commends as the centre and source of all university instruction, accepted and handed down the same opinion.³ The sainted Albert the Great, the most noted genius of the mediæval church in natural science, received and developed this theory.⁴ By these men and those who followed them was developed out of scriptural texts and theological principles a system that for seventeen centuries defied every advance of thought.

The main evils thence arising were three: the paralysis of self-help, the arousing of fanaticism, and the strengthening of ecclesiastical and political tyranny. The first two of these evils, the paralysis of self-help and the arousing of fanaticism, are evident throughout all these ages. At the appearance of a comet we constantly see all Christendom, from pope to peasant, instead of striving to avert war by wise statesmanship, instead of striving to avert pestilence by observation and reason, instead of striving to avert famine by skilful economy, whining before fetiches, trying to bribe them to remove these signs of God's wrath, and planning to wreak this supposed wrath of God upon misbelievers.

As to the third of these evils, the strengthening of ecclesiastical and civil despotism, examples appear on every side. It was natural that hierarchs and monarchs, whose births

¹ See his "*De Princip.*," i., 7; Maury, "*Lég. Pieuses*," 203.

² See Bede, "*De Nat.*," xxiv.; Joh. Dam., "*De Fid. Or.*," ii., 7.

³ See Maury, "*La Magie et l'Astronomie*," 181.

⁴ See Albertus Magnus, "*Opera*," i., tr. iii., ch. 10, 11.

were announced by stars, or whose deaths were announced by comets, should regard themselves as far above the common herd, and should be so regarded by mankind; passive obedience was thus strengthened, and the most monstrous assumptions of authority were considered simply as manifestations of the divine will. Shakespeare makes Calphurnia say to Cæsar :

“ When beggars die, there are no comets seen ;
The heavens themselves blaze forth the death of princes.”¹

Galeazzo, the tyrant of Milan, expressing satisfaction on his death-bed that his approaching end was of such importance as to be heralded by a comet,² is but a type of many thus encouraged to prey upon mankind; and Charles V., one of the most powerful monarchs the world has known, abdicating under fear of the comet of 1556, taking refuge in the monastery of San Yuste, and giving up the best of his vast realms to such a scribbling bigot as Philip II., furnishes an example even more striking.³

But, for the retention of this belief, there was a moral cause. Myriads of good men in the Christian Church down to a recent period saw in the appearance of comets not merely an exhibition of “ signs in the heavens ” foretold in Scripture, but also divine warnings of vast value to humanity as incentives to repentance and improvement of life—warnings, indeed, so precious that they could not be spared without danger to the moral government of the world. And this belief in the portentous character of comets as an essential part of the divine government, being, as it was thought, in full accord with Scripture, was made for centuries a source of terror to humanity. To say nothing of examples in the earlier periods, comets in the tenth century strengthened the prevailing belief in the approaching end of the world, and increased the distress of all Europe.⁴ In the middle of

¹ “ Julius Cæsar,” act ii., sc. 2. ² See Guillemin, “ World of Comets,” 19.

³ See Professor Wolf’s essay in the “ *Monatschrift des wissenschaftlichen Vereins*,” Zürich, 1857, p. 228.

⁴ Of this the legal documents of that age afford abundant testimony. For effects of comets in the eleventh century and those following see the chronicles of Raoul Glaber, William of Nangis, and others *passim*.

the eleventh century a comet was thought to accompany the death of Edward the Confessor and to presage the Norman Conquest, the traveller in France to-day may see this belief as it was then wrought into the Bayeux tapestry.¹

Nearly every decade of years throughout the middle ages saw Europe plunged into alarm by appearances of this sort, but the culmination seems to have been reached in 1456. At that time the Turks, after long effort, had made good their footing in Europe. A large statesmanship or generalship might have kept them out; but, while different religious factions were disputing over petty shades of dogma, the Turks had advanced, had taken Constantinople, and were evidently securing their foothold. Now came the full bloom of this superstition. A comet appeared. The Pope of that period, Calixtus III., was a man of more than ordinary ability, but saturated with the ideas of his time. Alarmed at this monster, if we are to believe the contemporary historian, this infallible head of the Church, by virtue of his position, solemnly "decreed several days of prayer for the averting of the wrath of God, that whatever calamity impended might be turned from the Christians and against the Turks." And, that all might join daily in this petition, was then established that mid-day Angelus which has ever since called good Catholics to prayer against the powers of evil. Then, too, it is said, was incorporated in the litany the plea, "From the Turk and the comet, Good Lord, deliver us." Never was papal intercession less effective; for the Turk has held Constantinople from that day to this, while the obstinate comet, being that now known under the name

¹ For evidences of this widespread terror see chronicles of Raoul Glaber, Guillaume de Nangis, William of Malmesbury, Florence of Worcester, Ordericus Vitalis, *et al.*, *passim*, and the Anglo-Saxon Chronicle (in the "Rolls series"). For very thrilling pictures of this horror in England see Freeman, "Norman Conquest," iii., 640-644, and "William Rufus," ii., 118. For the Bayeux tapestry see Bruce, "Bayeux Tapestry Elucidated," pl. vii. and p. 86; also Guillemin, "World of Comets," 24. There is a large photographic copy, in the South Kensington Museum at London, of the original, wrought by the wife of William the Conqueror and her ladies, and preserved in the town museum at Bayeux.

of Halley, has returned imperturbably at short periods ever since.¹

But the superstition went still further. It became more and more incorporated into what was considered "scriptural science" and "sound learning." The encyclopædic summaries, in which the science of the middle ages and the Reformation period took form, furnish abundant proofs of this.²

Yet scientific proof was slowly undermining this structure. The inspired prophecy of Seneca had not been forgotten. Even as far back as the ninth century, in the midst of the sacred learning so abundant at the court of Charlemagne and his successors, we find a scholar protesting against the doctrine.³ In the thirteenth century we have a mild question by Albert the Great as to the supposed influence of comets upon individuals; but the prevailing theological current was too strong, and he finally yielded to it in this as in so many other things.⁴

So, too, in the sixteenth century, we have Copernicus refusing to accept the usual theory, Paracelsus writing to Zwingli against it, and Julius Cæsar Scaliger denouncing it as "ridiculous folly."⁵

¹ The usual statement is, that Calixtus excommunicated the comet by a bull, and this is accepted by Arago, Grant, Hoefer, Guillemin, Watson, and many historians of astronomy. Hence the parallel made on a noted occasion by President Lincoln. No such bull, however, is to be found in the published "Bullaria," and that establishing the "Angelus" (as given by Raynaldus in the "Annales Eccl.") is said to contain no mention of the comet. But the authority of Platina (in his "Vitæ Pontificum," Venice, 1479, *sub* Calistus III.), who was not only in Rome at the time, but, when he wrote his history, archivist of the Vatican, is final as to the Pope's attitude. Platina's authority was never questioned until modern science had changed the ideas of the world. The recent attempt of Pastor (in his "Geschichte der Päpste") to pooh-pooh down the whole matter is too evident an evasion to carry weight with those who know how even the most careful histories have to be modified to suit the views of the censorship at Rome.

² See, for example, Vincent of Beauvais, "Speculum Naturale," and the various editions of Reisch's "Margarita Philosophica."

³ See Champion, "La Fin du Monde," 156; Leopardi, "Errori Popolari," 165.

⁴ See Heller, "Geschichte der Physik," i., 188.

⁵ For these exhibitions see Champion, "La Fin du Monde," 155, 156; and for Scaliger, Dudith's book, cited below.

At first this scepticism only aroused the horror of theologians and increased the vigor of ecclesiastics; both asserted the theological theory of comets all the more strenuously as based on scriptural truth. During the sixteenth century France felt the influence of one of her greatest men on the side of this superstition. Jean Bodin, so far before his time in political theories, was only thoroughly abreast of it in religious theories: the same reverence for the mere letter of Scripture, which made him so fatally powerful in supporting the witchcraft delusion led him to support this theological theory of comets—but with a difference: he thought them the souls of men, wandering in space, bringing famine, pestilence, and war.¹

Not less strong was the same superstition in England. Based upon mediæval theology, it outlived the revival of learning. From a multitude of examples I take a few that may be considered typical. Early in the sixteenth century Polydore Virgil, an ecclesiastic of the unreformed church, alludes, in his "English History," to the comet presaging the death of the Emperor Constantine as to a simple matter of fact; and in his work on prodigies he pushes this superstition to its most extreme point, exhibiting comets as preceding almost every form of calamity.²

In 1532, just at the transition period from the old church to the new, Cranmer, paving the way to his archbishopric, writes from Germany to Henry VIII., and says of the comet then visible: "What strange things these tokens do signify to come hereafter God knoweth; for they do not lightly appear but against some great matter."³

Twenty years later still, Bishop Latimer, in an Advent sermon, speaks of eclipses, rings about the sun, and the like as signs of the approaching end of the world.⁴

In 1580, under Queen Elizabeth, there was set forth an

¹ See Bodin, "*Theatr.*," lib. ii., cited by Pingré, i., 45; also a vague citation in Baudrillart, "*Bodin et son Temps*," 360.

² See Polydore Virgil, "*Eng. Hist.*," 97 (in Camden Soc. publications).

³ See Cranmer's "*Remains*," ii., 535 (in Parker Soc. publications).

⁴ See Latimer's "*Sermons*," second Sunday in Advent, 1552.

"order of prayer to avert God's wrath from us, threatened by the late terrible earthquake, to be used in all parish churches." In connection with this there was also commended to the faithful "a godly admonition for the time present"; and among the things referred to as evidence of God's wrath are comets, eclipses, and falls of snow.¹

This view held sway in the Church of England during Elizabeth's whole reign and far into the Stuart period. Strype, the ecclesiastical annalist, gives ample evidence of this, and among the more curious examples is the surmise that the comet of 1572 was a token of revenge for the St. Bartholomew massacre at Paris.²

As to the Stuart period, Archbishop Spottiswoode seems to have been active in carrying the superstition from the sixteenth century to the seventeenth, and Archbishop Bramhall cites Scripture in support of it. Rather curiously, while the diary of Archbishop Laud shows so much superstition regarding dreams as portents, it shows little or none regarding comets; but Bishop Jeremy Taylor, strong as he was, is evidently inclined to it.³ John Howe, the eminent Nonconformist divine in the latter part of the century, seems to have regarded the comet superstition as almost a fundamental article of belief. He laments the total neglect of comets and portents generally, declaring that this neglect betokens want of reverence for the Ruler of the World. He expresses contempt for scientific inquiry regarding comets, insists that they may be natural bodies and yet supernatural portents, and ends by saying: "I conceive it very safe to suppose that some very considerable thing, either in the way of judgment or mercy, may ensue, according as the cry of persevering wickedness or of penitential prayer is more or less loud at that time."⁴

¹ See "Liturgical Services of the Reign of Queen Eliz." (in Parker Soc. publ.), 569, 570.

² See his "Eccl. Memorials," iii., pt. i., 472; also his "Annals of the Ref.," ii., pt. ii., 151; and his "Life of Sir Thomas Smith," 161, 162.

³ For Spottiswoode see "Hist. of the Church of Scotland" (Edin. reprint, 1851), i., 185, 186. For Bramhall see his "Works" (Oxford, 1844), iv., 60, 307, etc. For Jeremy Taylor see his "Sermons on the Life of Christ."

⁴ For John Howe see his "Works" (Lond., 1862), 140, 141.

The Reformed Church of Scotland supported the superstition just as strongly. John Knox saw in comets tokens of the wrath of Heaven; other authorities considered them "a warning to the king to extirpate the Papists"; and as late as 1680, after Halley's victory had been fairly won, comets were announced on high authority in the Scottish Church to be "prodigies of great judgment on these lands for our sins, for never was the Lord more provoked by a people."¹

While such was the view of the clergy during the sixteenth and seventeenth centuries, the laity generally accepted it as a matter of course. Among the great leaders in literature there was at least general acquiescence in it. Both Shakespeare and Milton recognize it, whether they fully accept it or not. Shakespeare makes the Duke of Bedford, lamenting at the bier of Henry V., say:

"Comets, importing change of time and states,
Brandish your crystal tresses in the sky;
And with them scourge the bad revolting stars,
That have consented unto Henry's death."

Milton, speaking of Satan preparing for combat, says:

"On the other side,
Incensed with indignation, Satan stood
Unterrified, and like a comet burned,
That fires the length of Ophiuchus huge
In the Arctic sky, and from its horrid hair
Shakes pestilence and war."

We do indeed find that in some minds the discoveries of Tycho Brahe and Kepler begin to take effect, for, in 1621, Burton in his "Anatomy of Melancholy" alludes to them as changing public opinion somewhat regarding comets; and, just before the middle of the century, Sir Thomas Browne expresses a doubt whether comets produce such terrible effects, "since it is found that many of them are above the moon."² Yet even as late as the last years of the

¹ See John Knox, "Historie of the Reformation of Religion within the Realm of Scotland" (Edin., 1732), lib. iv.; also Chambers, "Domestic Annals of Scotland," ii., 410-412.

² For Burton see "Anatomy of Melancholy," pt. ii., sect. 2. For Browne see his "Vulgar and Copamon Errors," ch. xiv.

seventeenth century, we have English authors of much power battling for this supposed scriptural view; and among the natural and typical results we find, in 1682, Ralph Thoresby, a Fellow of the Royal Society, terrified at the comet of that year, and writing in his diary the following passage: "Lord, fit us for whatever changes it may portend; for, though I am not ignorant that such meteors proceed from natural causes, yet are they frequently also the presages of imminent calamities."¹ Interesting is it to note here that this was Halley's comet, and that Halley was, at this very moment, making those scientific studies upon it which were to free the civilized world forever from such terrors as distressed Thoresby.

But it was in Germany and German Switzerland that this superstition took its strongest hold. That same depth of religious feeling which produced in those countries the most terrible growth of witchcraft persecution, brought superstition to its highest development regarding comets. No country suffered more from it in the middle ages. At the Reformation Luther declared strongly in favor of it. In one of his Advent sermons he said: "The heathen write that the comet may arise from natural causes, but God creates not one that does not foretoken a sure calamity." Again he said: "Whatever moves in the heaven in an unusual way is certainly a sign of God's wrath."² And sometimes he yielded to another phase of his belief, declared them works of the Devil, and declaimed against them as "harlot stars."³

Melanchthon, too, in various letters, declares comets to be heralds of heaven's wrath, classing them, with evil conjunctions of the planets and abortive births, among the "signs"

¹ See Thoresby's "Diary" (Lond., 1830), i., 132. Halley's great service is described further on in this chapter.

² For very striking examples of this mediæval terror in Germany see Von Raumer, "Geschichte der Hohenstaufen," vi., 538. For Reformation period see Wolf, "Gesch. d. Astronomie"; also Prætorius, "Ueber d. Cometstern" (Erfurt, 1580), in which the above sentences of Luther are printed on the title-page as epigraphs.

³ "Huren-Sternen." See the sermon of Celichius described later.

referred to in Scripture.¹ Zwingli, boldest of the greater reformers in shaking off traditional beliefs, could not shake off this, and insisted that the comet of 1531 betokened calamity.² Arietus, a leading Protestant theologian, declared: "The heavens are given us not merely for our pleasure, but also as a warning of the wrath of God for the correction of our lives."³ Lavater insisted that comets are signs of death or calamity, and cited proofs from Scripture.

Catholic and Protestant strove together for the glory of this doctrine. It was maintained with especial vigor by Fromundus, the eminent professor and doctor of theology at the Catholic university of Louvain, who so strongly opposed the doctrine of the earth's rotundity. At the beginning of the seventeenth century, even so gifted an astronomer as Kepler yielded somewhat to the belief;⁴ and near the end of that century Voigt declared that the comet of 1618 clearly presaged the downfall of the Turkish empire, and he stigmatized as "atheists and Epicureans" all who did not believe comets to be God's warnings.⁵

Out of this belief was developed a great series of efforts to maintain the theological view of comets and to put down forever all efforts toward a scientific view. These efforts may be divided into two classes: those upon learned men and scholars, through the universities, and those upon people at large, through the pulpits. As to the first of these, that learned men and scholars might be kept in the paths of what was considered "sacred science" and "sound learning," especial pains was taken to keep all knowledge of the scientific view of comets as far as possible from students in the universities. Even to the end of the seventeenth century the oath generally required of professors of astronomy over a large part of Europe prevented their

¹ See Wolf, *ubi supra*.

² See Wolf, 235.

³ See Mädler, "Geschichte der Himmelskunde," ii.

⁴ For Kepler's superstition see Wolf, 230, 237.

⁵ See Voigt, "Himmels-Magnaten Reichstage," Hamburg, 1676. For both Fromundus and Voigt see also Mädler, 399, and Lecky, "Rationalism in Europe," i., 28.

teaching that comets are heavenly bodies obedient to law.¹ Efforts just as earnest were made to fasten into students' minds the theological theory. Two or three examples out of many may serve as types. First of these may be named the teaching of Jacob Heerbrand, professor at the University of Tübingen, who in 1577 illustrated the moral value of comets by comparing the Almighty sending a comet, to the judge laying the executioner's sword on the table between himself and the criminal in a court of justice; and again to the father or school-master displaying the rod before naughty children.² A little later we have another churchman of great importance in that region—Schickhart, head pastor and superintendent at Göppingen—preaching and publishing a comet sermon, in which he denounces those who stare at such warnings of God without heeding them, and compares them to "calves gaping at a new barn-door."³ Still later, at the end of the seventeenth century, we find Conrad Dieterich, director of studies at the University of Marburg, denouncing all scientific investigation of comets as impious, and insisting that they are only to be regarded as "signs and wonders."⁴

The results of this ecclesiastical pressure upon science in the universities were painfully shown during generation after generation, as regards both professors and students; and examples may be given typical of its effects upon each of these two classes.

The first of these is the case of Michael Maestlin. He was by birth a Swabian Protestant, was educated at Tübingen as a pupil of Apian, and, after a period of travel, was settled as deacon in the little parish of Backnang when the comet of 1577 gave him an occasion to apply his astronomical studies. His minute and accurate observation of it is to this day one of the wonders of science. It seems almost impossible that so much could be accomplished by

¹ For the effect of the anti-Pythagorean oath see Prowe, "Copernicus"; also Mädler and Wolf.

² See Heerbrand, "Von dem erschrockenlichen Wunderzeichen," Tübingen, 1577. ³ See Schickhart, "Predigt vom Wunderzeichen," Stuttgart, 1621.

⁴ See Dieterich's sermon, described more fully below.

the naked eye. His observations agreed with those of Tycho Brahe, and won for Maestlin the professorship of astronomy in the University of Heidelberg. No man had so clearly proved the supralunar position of a comet, or shown so conclusively that its motion was not erratic but regular. The young astronomer was an avowed Copernican, the pupil of Apian, and the destined master and friend of Kepler. Yet in the treatise embodying his observations, he felt it necessary to save his reputation for orthodoxy by calling the comet a "new and horrible prodigy," and by giving a chapter of "conjectures on the signification of the present comet," in which he proves from history that this variety of comet betokens peace, but peace purchased by a bloody victory.¹ That he really believed in this theological theory seems impossible; the very fact that his observations had settled the supralunar character and regular motion of comets proves this. It was a humiliation only to be compared to that of Osiander when he wrote his grovelling preface to the great book of Copernicus. Maestlin had his reward: when, a few years later, his old teacher, Apian, was driven from his chair at Tübingen for refusing to sign the Lutheran "Concord-Book," Maestlin was elected to his place.

Not less striking was the effect of this theological pressure upon the minds of students. Noteworthy as an example of this is the book of the Leipzig law-student, Büttner. From no less than eighty-six biblical texts he proves the Almighty's purpose of using the heavenly bodies for the instruction of men as to future events, and then proceeds to frame exhaustive tables, from which, the time and place of the comet's first appearance being known, its signification can be deduced. This manual he gave forth as a triumph of religious science, under the name of the "Comet Hour-book."²

The same devotion to the portent theory is found in the universities of Protestant Holland. Striking is it to see in the sixteenth century, after Tycho Brahe's discovery,

¹ See Maestlin, "*Observatio et Demonstratio Cometæ*," Tübingen, 1578.

² See Büttner, "*Cometen Stundbüchlein*," Leipzig, 1605.

the Dutch theologian, Gerard Vossius, professor of theology and eloquence at Leyden, lending his great weight to the superstition. "The history of all times," he says, "shows comets to be the messengers of misfortune. It does not follow that they are endowed with intelligence; but that there is a deity who makes use of them to call the human race to repentance." Though familiar with the works of Tycho Brahe, he finds it "hard to believe" that all comets are ethereal, and adduces several historical examples of sublunary ones.¹

Nor was this attempt to hold back university teaching to the old view of comets confined to Protestants. The Roman Church was, if possible, more strenuous in the same effort. A few examples will serve as types, representing the orthodox teaching at the great centres of Catholic theology.

One of these is seen in Spain. The eminent jurist Torreblanca was recognized as a controlling authority in all the universities of Spain, and from these he swayed in the seventeenth century the thought of Catholic Europe, especially as to witchcraft and the occult powers in nature. He lays down the old cometary superstition as one of the foundations of orthodox teaching. Begging the question, after the fashion of his time, he argues that comets cannot be stars, because new stars always betoken good, while comets betoken evil.²

The same teaching is seen in the Catholic universities of the Netherlands. Fromundus, at Louvain, in the middle of the seventeenth century led a crusade against all cometary heresy, upholding fully the prophetic attributes of comets.³

But a still more striking case is seen in Italy. The reverend Father Augustin de Angelis, rector of the Clementine College at Rome, as late as 1673, after the new cometary theory had been placed beyond reasonable doubt, and even while Newton was working out its final demonstration, published a third edition of his "Lectures on Meteorology." It

¹ See Vossius, "*De Idololatria*" (in his "*Opera*," v., 283-285).

² See Torreblanca, "*De Magia*," Seville, 1618, and often reprinted.

³ See his "*Meteorologica*."

was dedicated to the Cardinal of Hesse, and bore the express sanction of the Master of the Sacred Palace at Rome and of the head of the religious order to which De Angelis belonged. This work deserves careful analysis, not only as representing the highest and most approved university teaching at the centre of Roman Catholic Christendom, but still more because it represents that attempt to make a compromise between theology and science, or rather the attempt to confiscate science to the uses of theology, which we so constantly find whenever the triumph of science in any field has become inevitable.

As to the scientific element in this compromise, De Angelis holds, in his general introduction regarding meteorology, that the main material cause of comets is "exhalation," and says: "If this exhalation is great, thick, and sticky, it blazes into a comet." And again he returns to the same view, saying that "one form of exhalation is thick, dense, hence easily inflammable and long retentive of fire, from which sort are especially generated comets." But it is in his third lecture that he takes up comets specially, and his discussion of them is extended through the fourth, fifth, and sixth lectures. Having given in detail the opinions of various theologians and philosophers, he declares his own in the form of two conclusions. The first of these is that "comets are not heavenly bodies, but originate in the earth's atmosphere below the moon; for every thing heavenly is eternal and incorruptible, but comets have a beginning and ending—*ergo*, comets cannot be heavenly bodies." This, we may observe, is levelled at the observations and reasonings of Tycho Brahe and Kepler, and is a very good illustration of the scholastic and mediæval method—the method which blots out an ascertained fact by means of a metaphysical doctrine—as opposed to the scientific and modern. His second conclusion is that "comets are of elemental and sublunary nature; for they are an exhalation hot and dry, fatty and well-condensed, inflammable and kindled in the uppermost regions of the air." He then goes on to answer sundry objections to this mixture of metaphysics and science, and among other things declares that

"the fatty, sticky material of a comet may be kindled from sparks falling from fiery heavenly bodies or from a thunder-bolt"; and, again, that the thick, fatty, sticky quality of the comet holds its tail in shape, and that, so far are comets from having their paths beyond the moon's orbit, as Tycho Brahe and Kepler thought, he himself in 1618 saw "a bearded comet so near the summit of Vesuvius that it almost seemed to touch it." As to sorts and qualities of comets, he accepts Aristotle's view, and divides them into bearded and tailed.¹ He goes on into long disquisitions upon their colors, forms, and motions. Under this latter head he again plunges deep into a sea of metaphysical considerations, and does not reappear until he brings up his compromise in the opinion that their movement is as yet uncertain and not understood, but that, if we must account definitely for it, we must say that it is effected by angels especially assigned to this service by Divine Providence. But, while proposing this treaty of compromise between science and theology as to the origin and movement of comets, he will hear to none as regards their mission as "signs and wonders" and presages of evil. He draws up a careful table of these evils, arranging them in the following order: Drought, wind, earthquake, tempest, famine, pestilence, war, and to clinch the matter declares that the comet observed by him in 1618 brought not only war, famine, pestilence, and earthquake, but also a general volcanic eruption, "which would have destroyed Naples, had not the blood of the invincible martyr Januarius withstood it."

It will be observed, even from this sketch, that while the learned Father Augustin thus comes infallibly to the mediæval conclusion, he does so very largely by scientific and essentially modern processes, giving unwonted prominence to observation, and at times twisting scientific observation into the strand with his metaphysics. The observations and methods of his science are sometimes shrewd, sometimes comical. Good examples of the latter sort are such as his observing that the comet stood very near the summit of

¹ "*Barbata et caudata.*"

Vesuvius, and his reasoning that its tail was kept in place by its stickiness. But observations and reasonings of this sort are always the first homage paid by theology to science as the end of their struggle approaches.¹

Equally striking is an example seen a little later in another part of Europe; and it is the more noteworthy because Halley and Newton had already fully established the modern scientific theory. Just at the close of the 17th century the Jesuit Reinzer, Professor at Linz, put forth his "*Meteorologia Philosophico-Politica*," in which all natural phenomena received both a physical and a moral interpretation. It was profusely and elaborately illustrated, and on account of its instructive contents was in 1712 translated into German for the unlearned reader. The comet receives, of course, great attention. "It appears," says Reinzer, "only then in the heavens when the latter punish the earth, and through it (the comet) not only predict but bring to pass all sorts of calamity. . . . And, to that end, its tail serves for a rod, its hair for weapons and arrows, its light for a threat, and its heat for a sign of anger and vengeance." Its warnings are threefold. (1) "Comets, generated in the air, betoken *naturally* drought, wind, earthquake, famine, and pestilence." (2) "Comets can indirectly, in view of their material, betoken wars, tumults, and the death of princes; for, being hot and dry, they bring the moistnesses [*Feuchtigkeiten*] in the human body to an extraordinary heat and dryness, increasing the gall; and, since the emotions depend on the temperament and condition of the body, men are through this change driven to violent deeds, quarrels, disputes, and finally to arms: especially is this the result with princes, who are more delicate and also more arrogant than other men, and whose moistnesses are more liable to inflammation of this sort, inasmuch as they live in luxury and seldom restrain themselves from those things which in such a dry state of the heavens are especially injurious." (3) "All comets, whatever prophetic significance they may have naturally in and of themselves, are yet principally, according to the Divine pleasure,

¹ See De Angelis, "*Lectiones Meteorologicæ*," Rome, 1673.

heralds of the death of great princes, of war, and of other such great calamities; and this is known and proved, first of all, from the words of Christ himself: 'Nation shall rise against nation, and kingdom against kingdom; and great earthquakes shall be in divers places, and famines and pestilences; and fearful sights and great signs shall there be from heaven.'"¹

While such pains was taken to keep the more highly educated classes in the "paths of Scriptural science and sound learning" at the universities, equal efforts were made to preserve the cometary orthodoxy of the people at large by means of the pulpits. Out of the mass of sermons for this purpose which were widely circulated I will select just two as typical, and they are worthy of careful study as showing some special dangers of applying theological methods to scientific facts. In the second half of the sixteenth century the recognized capital of orthodox Lutheranism was Magdeburg, and in the region tributary to this metropolis no church official held a more prominent station than the "Superintendent," or Lutheran bishop, of the neighboring Altmark. It was this dignitary, Andreas Celichius by name, who at Magdeburg, in 1578, gave to the press his "Theological Reminder of the New Comet." After deprecating as blasphemous the attempt of Aristotle to explain the phenomenon otherwise than as a supernatural warning from God to sinful man, he assures his hearers that "whoever would know the comet's real source and nature must not merely gape and stare at the scientific theory that it is an earthy, greasy, tough, and sticky vapor and mist, rising into the upper air and set ablaze by the celestial heat." Far more important for them is it to know what *is* this vapor and mist. It is really, in the opinion of Celichius, nothing more nor less than "the thick smoke of human sins, rising every day, every hour, every moment, full of stench and horror, before the face of God, and becoming gradually so thick as to form a comet, with curled and plaited tresses, which at last is

¹ See Reinzer, "*Meteorologia Philosophico-Politica*" (ed. of Augsburg, 1712), 101-103.

kindled by the hot and fiery anger of the Supreme Heavenly Judge." He adds that it is probably only through the prayers and tears of Christ that this blazing monument of human depravity becomes visible to mortals. In support of this theory, he urges the "coming up before God" of the wickedness of Sodom and Gomorrah and of Nineveh, and especially the words of the prophet regarding Babylon: "Her stench and rottenness is come up before me." That the anger of God can produce the conflagration without any intervention of nature is proven from the Psalms: "He sendeth out his word and melteth them." From the position of the comet, its course, and the direction of its tail he augurs especially the near approach of the judgment day; though it may also betoken, as usual, famine, pestilence, and war. "Yet even in these days," he mourns, "there are people reckless and giddy enough to pay no heed to such celestial warnings, and these even cite in their own defence the injunction of Jeremiah not to fear signs in the heavens." This idea he explodes, and shows that good and orthodox Christians, while not superstitious like the heathen, know well "that God is not bound to his creation and the ordinary course of nature, but must often, especially in these last dregs of the world, resort to irregular means to display his anger at human guilt."¹

The other typical case occurred in the following century and in another part of Germany. Conrad Dieterich was, during the first half of the seventeenth century, a Lutheran ecclesiastic of the highest authority. His ability as a theologian had made him Archdeacon of Marburg, professor of philosophy and director of studies at the University of Gießen, and "Superintendent," or Lutheran bishop, in South-western Germany. In the year 1620, on the second Sunday in Advent, in the great cathedral of Ulm, he developed the orthodox doctrine of comets in a sermon, taking up the questions: 1. What are comets? 2. What do they indicate? 3. What have we to do with their significance? This sermon marks an epoch. Delivered in that stronghold

¹ See Celichius, as above.

of German Protestantism and by a prelate of the highest standing, it was immediately printed, prefaced by three laudatory poems from different men of note, and sent forth to drive back the scientific, or, as it was called, the "godless" view of comets. The preface shows that Dieterich was sincerely alarmed by the tendency to regard comets as natural appearances. His text was taken from the twenty-fifth verse of the twenty-first chapter of St. Luke: "And there shall be signs in the sun, and in the moon, and in the stars; and upon the earth distress of nations, with perplexity; the sea and the waves roaring." As to what comets are, he cites a multitude of philosophers, and, finding that they differ among themselves, he uses a form of argument not uncommon from that day to this, declaring that this difference of opinion proves that there is no solution of the problem save in revelation, and insisting that comets are "signs especially sent by the Almighty to warn the earth." An additional proof of this he finds in the forms of comets. One, he says, took the form of a trumpet; another, of a spear, another, of a goat; another, of a torch; another, of a sword; another, of an arrow; another, of a sabre; still another, of a bare arm. From these forms of comets he infers that we may divine their purpose. As to their creation, he quotes John of Damascus and other early Church authorities in behalf of the idea that each comet is a star newly created at the divine command, out of nothing, and that it indicates the wrath of God. As to their purpose, having quoted largely from the Bible and from Luther, he winds up by insisting that, as God can make nothing in vain, comets must have some distinct object; then, from Isaiah and Joel among the Prophets, from Matthew, Mark, and Luke among the Evangelists, from Origen and St. Chrysostom among the Fathers, from Luther and Melancthon among the Reformers, he draws various texts more or less conclusive to prove that comets indicate evil and only evil, and he cites Luther's Advent sermon, to the effect that, though comets may arise in the course of nature they are still signs of evil to mankind. In answer to the theory of sundry naturalists, that comets are made up of "a

certain fiery, warm, sulphurous, saltpetery, sticky fog," he declaims: "Our sins, our sins: they are the fiery heated vapors, the thick, sticky, sulphurous clouds which rise from the earth toward heaven before God." Throughout the sermon contempt is poured over all men who simply investigate comets as natural objects, and special attention is called to a comet then in the heavens resembling a long broom or bundle of rods; and Dieterich declares that he and his hearers can only consider it rightly "when we see standing before us our Lord God in heaven as an angry father with a rod for his children." In answer to the question what comets signify, he commits himself entirely to the idea that they indicate the wrath of God, and therefore calamities of every sort. Page after page is filled with the records of evils following comets. Beginning with the creation of the world, he insists that the first comet brought on the deluge of Noah, and cites a mass of authorities, ranging from Moses and Isaiah to Albert the Great and Melancthon, in support of the view that comets precede earthquakes, famines, wars, pestilences, and every form of evil. He makes some parade of astronomical knowledge as to the greatness of the sun and moon, but relapses soon into his old line of argument. Conjuring his audience not to be led away from the well-established belief of Christendom and the principles of their fathers, he comes back to his old assertion, insists that "our sins are the inflammable material of which comets are made," and winds up with a most earnest appeal to the Almighty to spare his people.¹

Similar efforts from the pulpit were provoked by the great comet of 1680. Typical among these was the effort in Switzerland of Pastor Heinrich Erni, who, from the cathedral of Zürich, sent a circular-letter to the clergy of that region showing the connection of the eleventh and twelfth verses of the first chapter of Jeremiah with the comet, giving

¹ "See "Ulmische Cometen-Predigt, von dem Cometen, so nechst abgewischen 1618 Jahrs im Wintermonat erstenmahls in Schwaben sehen lassen, . . . gehalten zu Ulm . . . durch Conrad Dieterich," Ulm, 1620. For a life of the author see article "Dieterich" in the "Allgemeine Deutsche Biographie." See also Wolf.

notice that at his suggestion the authorities had proclaimed a solemn fast, and exhorting the clergy to preach earnestly on the subject of this warning.¹

Nor were the interpreters of the comet's message content with simple prose. At the appearance of the comet of 1618, Grasser and Gross, pastors and doctors of theology at Basle, put forth a collection of doggerel rhymes to fasten the orthodox theory into the minds of school-children and peasants. One of these may be translated :

" I am a Rod in God's right hand
Threatening the German and foreign land."

Others for a similar purpose taught :

" Eight things there be a Comet brings,
When it on high doth horrid range :
Wind, Famine, Plague, and Death to Kings,
War, Earthquakes, Floods, and Direful Change." ²

Great ingenuity was shown in meeting the advance of science in the universities and schools, with new texts of Scripture ; and Stephen Spleiss, Rector of the Gymnasium at Schaffhausen, got great credit by teaching that in the vision of Jeremiah the " almond rod " was a tailed comet, and the " seething pot " a bearded one.³

It can be easily understood that such authoritative utterances as that of Dieterich must have produced a great effect throughout Protestant Christendom ; and in due time we see their working in New England. That same tendency to provincialism, which, save at rare intervals, has been the bane of Massachusetts thought from that day to this, appeared ; and in 1664 we find Samuel Danforth arguing from the Bible that " comets are portentous signals of great and notable changes," and arguing from history that they " have been many times heralds of wrath to a secure and impenitent world." He cites especially the comet of 1652.

¹ See Wolf, "*Gesch. d. Astronomie*," 239.

² See Grasser and Gross, "*Christenliches Bedencken . . . von dem erschrockenlichen Cometen*," etc., Zürich, 1664.

³ See Spleiss, "*Beiläufiger Bericht von dem jetzigen Cometsternen*," etc., Schaffhausen, 1664.

which appeared just before Mr. Cotton's sickness and disappeared after his death.¹ Morton also, in his "Memorial," recording the death of John Putnam, alludes to the comet of 1662 as "a very signal testimony that God had then removed a bright star and a shining light out of the heaven of his church here into celestial glory above."² Again he speaks of another comet, insisting that "it was no fiery meteor caused by exhalation, but it was sent immediately by God to awaken the secure world," and goes on to show how in that year "it pleased God to smite the fruits of the earth, namely, the wheat in special, with blasting and mildew, whereby much of it was spoiled and became profitable for nothing, and much of it worth little, being light and empty. This was looked upon by the judicious and conscientious of the land as a speaking providence against the unthankfulness of many . . . as also against voluptuousness and abuse of the good creatures of God by licentiousness in drinking and fashions in apparel, for the obtaining whereof a great part of the principal grain was oftentimes unnecessarily expended."³

But in 1680 a stronger than either of these seized upon the doctrine and wielded it with power. Increase Mather, so open always to ideas from Europe, and always so powerful for good or evil in the colonies, preached his sermon on "Heaven's Alarm to the World . . . wherein is shown that fearful sights and signs in the heavens are the presages of great calamities at hand." The texts were taken from the book of Revelation: "And the third angel sounded, and there fell a great star from heaven, burning, as it were a lamp," and "Behold the third woe cometh quickly."⁴ In this, as in various other sermons, he supports the theological cometary theory fully. He insists that "we are fallen into the dregs of time," and that the day of judgment is evidently approaching. He explains away the

¹ See S. Danforth, "An Astronomical Description of the Late Comet or Blazing Star, Together with a Brief Theological Application Thereof," 1664.

² See Morton, "Memorial," 251, 252.

³ *Ibid.*, 309, 310.

⁴ Rev., viii., 10, and xi., 14.

words of Jeremiah—"Be not dismayed at signs in the heavens,"—and shows that comets have been forerunners of nearly every form of evil. Having done full justice to evils thus presaged in Scriptural times, he begins a similar display in modern history by citing blazing stars which foretold the invasions of Goths, Huns, Saracens, and Turks, and warns gainsayers by citing the example of Vespasian, who, after ridiculing a comet, soon died. The general shape and appearance of comets, he thinks, betoken their purpose, and he cites Tertullian to prove them "God's sharp razors on mankind, whereby he doth poll, and his scythe whereby he doth shear down multitudes of sinful creatures." At last, rising to a fearful height, he declares: "For the Lord hath fired his beacon in the heavens among the stars of God there; the fearful sight is not yet out of sight. The warning piece of heaven is going off. Now, then, if the Lord discharge his murdering pieces from on high, and men be found in their sins unfit for death, their blood shall be upon them." And again, in an agony of supplication, he cries out: "Do we see the sword blazing over us? Let it put us upon crying to God, that the judgment be diverted and not return upon us again so speedily. . . . Doth God threaten our very heavens? O pray unto Him, that He would not take away stars and send comets to succeed them."

Two years later, in August, 1682, he followed this with another sermon on "The Latter Sign"—"wherein is showed that the voice of God in signal providences, especially when repeated and iterated, ought to be hearkened unto." Here, too, of course, the comet comes in for a large share of attention. But his tone is less sure: even in the midst of all his arguments appears an evident misgiving. The thoughts of Newton in science and Bayle in philosophy were evidently tending to accomplish the prophecy of Seneca. Mather's alarm at this is clear. His natural tendency is to uphold the idea that a comet is simply a fire-ball flung from the hand of an avenging God at a guilty world, but he evidently feels obliged to yield something to the scientific spirit; hence, in the "Discourse concerning Comets," published in 1683, he

declares: "There are those who think that, inasmuch as comets may be supposed to proceed from natural causes, there is no speaking voice of heaven in them beyond what is to be said of all other works of God. But certain it is that many things which may happen according to the course of nature are portentous signs of divine anger and prognostics of great evils hastening upon the world." He then notices the eclipse of August, 1672, and adds: "That year the college was eclipsed by the death of the learned president there, worthy Mr. Chauncey; and two colonies, namely, Massachusetts and Plymouth, by the death of two governors, who died within a twelvemonth after. . . . Shall, then, such mighty works of God as comets are be insignificant things?"¹

Vigorous as his argument is, we see scepticism regarding "signs" continuing to invade the public mind; and, in spite of his threatenings, about twenty years after we find a remarkable evidence of this progress in the fact that this scepticism has seized upon no less a personage than that colossus of orthodoxy, his thrice illustrious son, Cotton Mather himself; and him we find, in 1726, despite the arguments of his father, declaring in his "Manuductio": "Perhaps there may be some need for me to caution you against being dismayed at the signs of the heavens, or having any superstitious fancies upon eclipses and the like. . . . I am willing that you be apprehensive of nothing portentous in blazing stars. For my part, I know not whether all our worlds, and even the sun itself, may not fare the better for them."²

Curiously enough, for this scientific scepticism in Cotton Mather there was a cause identical with that which had developed superstition in the mind of his father. The same provincial tendency to receive implicitly any new European tendency in thinking or speech wrought upon both, plunging one into superstition and drawing the other out of it.

European thought, which New England followed, had at

¹ See his "Heaven's Alarm to the World," Boston, 1682, and his "Discourse concerning Comets," Boston, 1682.

² See the "Manuductio," 54, 55.

last broken away in great measure from the theological view of comets as signs and wonders. The germ of this emancipating influence was mainly in the great utterance of Seneca: and we find in nearly every century some evidence that this germ was still alive. This life became more and more evident after the Reformation period, even though theologians in every church did their best to destroy it. The first series of attacks on the old theological doctrine were mainly founded in philosophic reasoning. As early as the first half of the sixteenth century we hear Julius Cæsar Scaliger protesting against the cometary superstition as "ridiculous folly."¹ Of more real importance was the treatise of Blaise de Vigenère published at Paris in 1578. In this little book various statements regarding comets as signs of wrath or causes of evils are given, and then followed by a very gentle and quiet discussion, usually tending to develop that healthful scepticism which is the parent of investigation. A fair example of his mode of treating the subject is seen in his dealing with a bit of "sacred science." This was simply that "comets menace princes and kings with death because they live more delicately than other people; and, therefore, the air thickened and corrupted by a comet would be naturally more injurious to them than to common folk who live on coarser food." To this De Vigenère answers that there are very many persons who live on food as delicate as that enjoyed by princes and kings, and yet receive no harm from comets. He then goes on to show that many of the greatest monarchs in history have met death without any comet to herald it.

In the same year thoughtful scepticism of a similar sort found an advocate in another part of Europe. Thomas Erastus the learned and devout professor of medicine at Heidelberg, put forth a letter dealing in the plainest terms with the superstition. He argued especially that there could be no natural connection between the comet and pestilence, since the burning of an exhalation must tend to purify rather than to infect the air. In the following year the eloquent

¹ For Scaliger see p. 20 of Dudith's book, cited below.

Hungarian divine, Dudith, published a letter in which the theological theory was handled even more shrewdly; for he argued that, if comets were caused by the sins of mortals, they would never be absent from the sky. But these utterances were for the time brushed aside by the theological leaders of thought as shallow or impious.¹

In the seventeenth century able arguments against the superstition, on general grounds, began to be multiplied. In Holland Balthasar Bekker opposed this, as he opposed the witchcraft delusion, on general philosophic grounds; and Lubienitzky wrote in a compromising spirit to prove that comets were as often followed by good as by evil events. In France Pierre Petit, formerly geographer of Louis XIII. and an intimate friend of Descartes, addressed to the young Louis XIV. a vehement protest against the superstition, basing his arguments not on astronomy but on common-sense. A very effective part of the little treatise was devoted to answering the authority of the Fathers of the early Church. To do this he simply reminded his readers that St. Augustine and St. John Damascenus had also opposed the doctrine of the Antipodes. The book did good service in France, and was translated in Germany a few years later.²

All these were denounced as infidels and heretics, yet not until they had set men at thinking and prepared the way for a far greater genius. For, toward the end of the same century, the philosophic attack was taken up by Pierre Bayle; and in the whole series of philosophic champions he is chief. While professor at the University of Sedan he had observed the alarm caused by the comet of 1680, and he now brought all his reasoning powers to bear upon it. Thoughts deep and witty he poured out in volume after volume. Catholics

¹ For Blaise de Vigenère see his "*Traité des Comètes*," Paris, 1578. For Dudith see his "*De Cometarum Significatione*," Basle, 1579, to which the letter of Erastus is appended.

² Bekker's views may be found in his "*Onderzoek van de Betekening der Cometen*," Leeuwarden, 1683. For Lubienitzky's see his "*Theatrum Cometicum*," Amsterdam, 1666, in pt. ii.: "*Historia Cometarum*," preface "to the reader." For Petit see his "*Dissertation sur la Nature des Comètes*," Paris, 1665 (German transl., Dresden and Zittau, 1631).

and Protestants were alike scandalized. Catholic France spurned him, and Jurieu, the great reformed divine, called his cometary views "atheism," and tried hard to have Protestant Holland condemn him.¹ Though Bayle did not touch immediately the mass of mankind, he wrought with power upon men who gave themselves the trouble of thinking. It was indeed unfortunate for the Church that theologians, instead of taking the initiative in this matter, left it to Bayle; for, in tearing down the pretended Scriptural doctrine of comets, he tore down much else: of all men in his time, no one so thoroughly prepared the way for Voltaire.

Bayle's whole argument is rooted in the prophecy of Seneca. He declares: "Comets are bodies subject to the ordinary law of nature, and not prodigies amenable to no law." He shows historically that there is no reason to regard comets as portents of earthly evils. As to the fact that such evils occur after the passage of comets across the sky, he compares the persons believing that comets cause these evils to a woman looking out of a window into a Paris street and believing that the carriages pass because she looks out. As to the accomplishment of some predictions, he cites the shrewd saying of Henry IV. to the effect that "the public will remember one prediction that comes true better than all the rest that have proved false." Finally, he sums up by saying: "The more we study man, the more does it appear that pride is his ruling passion, and that he affects grandeur even in his misery. Mean and perishable creature that he is, he has been able to persuade men that he cannot die without disturbing the whole course of nature and obliging the heavens to put themselves to fresh expense in order to light his funeral pomp. Foolish and ridiculous vanity! If we had a just idea of the universe, we should soon comprehend that the death or birth of a prince is too insignificant a matter to stir the heavens." ²

¹ See Mädler, "Himmelskunde," 327.

² For special points of interest in Bayle's argument, see his "*Pensées Diverses sur les Comètes*," Amsterdam, 1749, pp. 79, 102, 134, 206. For the response to Jurieu, see the "*Continuation des Pensées*," Rotterdam, 1705; also Champion. 164. Lecky, *ubi supra*, and Guillemin, 29, 30.

This great philosophic champion of right reason was followed by a literary champion hardly less famous ; for Fontenelle now gave to the French theatre his play of "The Comet," and a point of capital importance in France was made by rendering the army of ignorance ridiculous.¹

Such was the line of philosophic and literary attack, as developed from Scaliger to Fontenelle. But beneath and in the midst of all of it, from first to last, giving firmness, strength, and new sources of vitality to it, was the steady development of scientific effort ; and to the series of great men who patiently wrought and thought out the truth by scientific methods through all these centuries belong the honors of the victory.

For generations men in various parts of the world had been making various observations on these strange bodies. As far back as the time when Luther and Melancthon and Zwingli were plunged into alarm by various comets from 1531 to 1539, Peter Apian kept his head sufficiently cool to take careful observations of their paths through the heavens. A little later, when the great comet of 1556 scared popes, emperors, and reformers alike, such men as Fabricius at Vienna and Heller at Nuremberg quietly noted its path. In vain did men like Dieterich and Heerbrand and Celich from various parts of Germany denounce such observations and investigations as impious ; they were steadily continued, and in 1577 came the first which led to the distinct foundation of the modern doctrine. In that year appeared a comet which again plunged Europe into alarm. In every European country this alarm was strong, but in Germany strongest of all. The churches were filled with terror-stricken multitudes. Celich preaching at Magdeburg was echoed by Heerbrand preaching at Tübingen, and both these from thousands of other pulpits, Catholic and Protestant, throughout Europe. In the midst of all this din and outcry a few men quietly but steadily observed the monster ; and Tycho Brahe announced, as the result, that its path lay farther from the earth than the orbit of the moon. Another great

¹ See Fontenelle, cited by Champion, 167.

astronomical genius, Kepler, confirmed this. This distinct beginning of the new doctrine was bitterly opposed by theologians. They denounced it as one of the evil results of that scientific meddling with the designs of Providence against which they had so long declaimed in pulpits and professors' chairs, and declared the doctrine of comets as "signs and wonders" a matter of faith.¹ They even brought forward some astronomers ambitious or wrong-headed enough to testify that Tycho and Kepler were wrong.²

Nothing could be more natural than such opposition. For this simple announcement by Tycho Brahe began a new era. It shook the very foundation of cometary superstition. The Aristotelian view, cherished by the theologians, was that what lies within the moon's orbit appertains to the earth and is essentially transitory, while what lies beyond it belongs to the heavens and is permanent and regular. Tycho Brahe and Kepler, therefore, having by means of scientific observation and thought taken comets out of the category of meteors and appearances in the neighborhood of the earth and placed them among the heavenly bodies, dealt a blow at the very foundations of the theological argument, and gave a great impulse to the idea that comets are themselves heavenly bodies moving regularly and in obedience to law.

Attempts were made to compromise. It was declared that, while some comets were doubtless supralunar, some must be sublunar. But this admission was no less fatal on another account. From the earliest times the theory favored by the Church was that the earth was surrounded by hollow spheres, concentric and transparent, forming a number of glassy strata encasing one another "like the different coatings of an onion," and that each one of these in its movement about the earth carries one of the heavenly bodies. Some maintained that these spheres were crystal ;

¹ See Mädler, "*Himmelskunde*," i., 181, 197; also Wolf, "*Gesch. d. Astronomie*," and Janssen "*Gesch. d. Deutschen Volkes*," v., 350. Heerbrand's sermon, cited above, is a good specimen of the theologic attitude.

² See Pingré, ii., 81.

but Lactantius, and with him various Fathers of the Church, speak of the heavenly vault as made of ice. Now, the admission that comets could move beyond the moon was fatal to this theory, for it sent them crashing through these spheres of ice or crystal, and therefore through the whole sacred fabric of the Ptolemaic theory.¹

Here we may pause for a moment to note one of the main differences between scientific and theological reasoning considered in themselves. Kepler's main reasoning as to the existence of a law for cometary movement was right; but his secondary reasoning, that comets move nearly in straight lines, was wrong. His right reasoning was developed by Gassendi in France, by Borelli in Italy, by Hevel and Doerfel in Germany, by Eysat and Bernouilli in Switzerland, by Percy and—most important of all, as regards mathematical demonstration—by Newton in England. The general theory, which was true, they accepted and developed; the secondary theory, which was found untrue, they rejected. And, as a result, both of what they thus accepted and of what they rejected, was evolved the basis of the whole modern cometary theory.

How different was this from the theological method. As a rule, when there arises a thinker as great in theology as Kepler in science, the whole mass of his conclusions ripens into a dogma. His disciples labor not to test it, but to establish every part of it. And while, in the Catholic Church, it becomes a dogma to be believed or disbelieved under the penalty of damnation, it becomes in the Protestant Church the basis for one more sect, narrow and bigoted.

Various astronomers labored to develop the truth discovered by Tycho and strengthened by Kepler. Cassini seemed likely to win for Italy the glory of completing the great structure; but he was sadly fettered by Church influences, and was obliged to leave most of the work to others. Early among these was Hevel. He gave reasons for believing that comets moved in parabolic curves toward

¹ *Ibid.*, i., 89; Humboldt, "*Cosmos*" (Eng. transl., London, 1868), iii., 169.

the sun. Then came a man who developed this truth further—Samuel Doerfel ; and it is a pleasure, as well as a duty, to note that he was a clergyman. The comet of 1680, which set Erni in Switzerland, Mather in New England, and so many others in all parts of the world at declaiming, set Doerfel at thinking. Undismayed by the authority of Origen and St. John Chrysostom, the arguments of Luther, Melancthon, and Zwingli, the outcries of Celich and Heerbrand and Dieterich, he pondered over the problem in his little Saxon parsonage, until in 1681 he set forth his proofs that comets are heavenly bodies moving in parabolas of which the sun is the focus. Bernouilli arrived at the same conclusion ; and, finally, this great series of men and works was closed by the greatest of all, when Newton, in 1686, having taken the data furnished by the comet of 1680, demonstrated that comets are guided in their movements by the same principle that controls the planets in their orbits. Thus was completed the evolution of this new truth in science.¹

Yet we are not to suppose that these two great series of philosophical and scientific victories cleared the field of all opponents. Declamation and pretended demonstration of the old theologic view were still heard ; but the day of complete victory dawned when Halley, after most thorough observation and calculation, recognized the comet of 1682 as one which had already appeared at stated periods, and foretold its return in about seventy-five years ; and the battle was fully won when Clairaut, seconded by Lalande and Mme. Lepaute, predicted distinctly the time when the comet would arrive at its perihelion, and this prediction was verified.² Then it was that a Roman heathen philosopher was proved more infallible and more directly under divine inspiration than a Roman Christian pontiff ; for the very comet which the traveller finds to-day depicted on the Bayeux tap-

¹ See Pingré, i., 53 ; Grant, "Hist. of Phys. Astron.," 305, etc., etc.

² For a curious partial anticipation by Hooke, in 1664, of the great truth announced by Halley in 1682, see Pepys' Diary for March 1st, 1664. For excellent summaries of the whole work of Halley and Clairaut and their fore-runners and associates, see Pingré, Mädler, Wolf, Arago, *et al.*

etry as portending destruction to Harold and the Saxons at the Norman invasion of England, and which was regarded by Pope Calixtus as portending evil to Christendom, was found four centuries later to be, as Seneca had prophesied, a heavenly body obeying the great laws of the universe, and coming at regular periods.¹ Thenceforth the whole ponderous enginery of this superstition, with its citations of proof-texts regarding "signs in the heavens," its theological reasoning to show the moral necessity of cometary warnings, and its ecclesiastical fulminations against the "atheism, godlessness, and infidelity" of scientific investigation, was seen by all thinking men to be as weak against the scientific method as Indian arrows against needle-guns. Copernicus, Galileo, Cassini, Doerfel, Newton, Halley, and Clairaut had gained the victory.²

It is instructive to note, when the main battle was lost, an attempt, always seen under like circumstances, to effect a compromise—to establish a "safe science" on grounds pseudo-scientific and pseudo-theologic. Luther, with his strong common-sense, had foreshadowed this; Kepler had expressed a willingness to accept it. It was insisted that comets might be heavenly bodies moving in regular orbits, and even obedient to law, and yet be sent as "signs in the heavens." Many good men clung longingly to this phase of the old belief, and in 1770 Semler, professor at Halle, tried to satisfy both sides. He insisted that, while from a scientific point of view comets could not exercise any physical influence upon the world, yet from a religious point of view they could exercise a moral influence as reminders of the Just Judge of the Universe.

So hard was it for good men to give up the doctrine of "signs in the heavens," seemingly based upon Scripture and exercising such a healthful moral tendency! As is always the case after such a defeat, these votaries of "sacred sci-

¹ In accordance with Halley's prophecy, the comet of 1682 has returned in 1759 and in 1835.

² See Mädler, Guillemin, Watson, Grant, Delambre, Proctor, art. "Astronomy," in "Encycl. Brit.," and especially, for details, Wolf, 407-412 and 701-722. For clear statement regarding Doerfel, see Wolf, 411.

ence" exerted the greatest ingenuity in devising statements and arguments to avert the new doctrine. Within our own century the great Catholic champion, Joseph de Maistre, echoed these in declaring his belief that comets are special warnings of evil. So, too, in Protestant England, in 1818, the *Gentleman's Magazine* stated that under the malign influence of a recent comet "flies became blind and died early in the season," and "the wife of a London shoemaker had four children at a birth." And even as late as 1829 Mr. Forster, an English physician, published a work to prove that comets produce hot summers, cold winters, epidemics, earthquakes, clouds of midges and locusts, and nearly every calamity conceivable. He bore especially upon the fact that the comet of 1665 was coincident with the plague in London, apparently forgetting that the other great cities of England and the Continent were not thus visited; and, in a climax, announces the fact that the comet of 1663 "made all the cats in Westphalia sick."¹

There still lingered one little cloud-patch of superstition, arising mainly from the supposed fact that comets had really been followed by a marked rise in temperature. Even this poor basis for the belief that they might, after all, affect earthly affairs was swept away, and science won here another victory; for Arago, by thermometric records carefully kept at Paris from 1735 to 1781, proved that comets had produced no effect upon temperature. Among multitudes of similar examples he showed that, in some years when several comets appeared, the temperature was lower than in other years when few or none appeared. In 1737 there were two comets, and the weather was cool; in 1785 there was no comet, and the weather was hot; through the whole fifty years it was shown that comets were sometimes followed by hot weather, sometimes by cool, and that no rule was deducible. The victory of science was complete at every point.²

¹ See T. Forster, "Illustrations of the Atmospheric Origin of Epidemic Diseases," Chelmsford, 1829, cited by Arago; also in *Quarterly Review* for April, 1835.

² For the writings of several on both sides, and especially of those who sought to save, as far as possible, the sacred theory of comets, see Mädler, *il.*, 384, *et seq.*, and Wolf, 186.

But in this history there was one little exhibition so curious as to be worthy of notice, though its permanent effect upon thought was small. Whiston and Burnet, so devoted to what they considered sacred science, had determined that in some way comets must be instruments of divine wrath. One of them maintained that the deluge was caused by the tail of a comet striking the earth; the other put forth the theory that comets are places of punishment for the damned—in fact, “flying hells.” The theories of Whiston and Burnet found wide acceptance also in Germany, mainly through the all-powerful mediation of Gottsched, so long from his professor’s chair at Leipzig the dictator of orthodox thought, who not only wrote a brief tractate of his own upon the subject, but furnished a voluminous historical introduction to the more elaborate treatise of Heyn. In this book, which appeared at Leipzig in 1742, the agency of comets in the creation, the flood, and the final destruction of the world is fully proven.¹ Both these theories were, however, soon discredited.

Perhaps the more interesting of them can best be met by another, which, if not fully established, appears much better based: namely, that in 1868 the earth passed directly through the tail of a comet, with no deluge, no sound of any wailings of the ‘damned,’ with but slight appearances here and there, only to be detected by the keen sight of the meteorological or astronomical observer.²

In our own country superstitious ideas regarding comets continued to have some little currency³; but their life was short. The tendency shown by Cotton Mather, at the beginning of the eighteenth century, toward acknowledging the victory of science, was completed by the utterances of Winthrop, professor at Harvard. In 1759 he published two lectures on comets, and in these he simply and clearly revealed the truth, never scoffing, but reasoning quietly and

¹ See Heyn, “Versuch einer Betrachtung über die Cometen, die Sündfluth und das Vorspiel des jüngsten Gerichts,” Leipzig, 1742. A Latin version, of the same year, bears the title, “Specimen Cometologiæ Sacræ.”

² See Guillemin and Watson.

³ See sermon of Israel Loring, of Sudbury, published in 1722.

reverently. In one passage he says: "To be thrown into a panic whenever a comet appears, on account of the ill effects which some few of them might possibly produce, if they were not under proper direction, betrays a weakness unbecoming a reasonable being."¹

The victory was, indeed, complete. Happily none of the fears expressed by Conrad Dieterich and Increase Mather were realized. No catastrophe has ensued either to religion or to morals. In the realm of religion the Psalms of David remain no less beautiful, the great utterances of the Hebrew prophets no less powerful; the Sermon on the Mount, "the First Commandment and the Second which is like unto it," the definition of "pure religion and undefiled" by St. James, appeal no less to the deepest things in the human heart. In the realm of morals, too, serviceable as the idea of firebrands thrown by the right hand of an avenging God to scare a naughty world might seem, any competent historian must find that the destruction of the old theological cometary theory was followed by moral improvement rather than by deterioration. We have but to compare the general moral tone of society to-day, wretchedly imperfect as it is, with that existing in the time when this superstition had its strongest hold, to make ourselves sure of this. We have only to compare the court of Henry VIII. with the court of Victoria, the reign of the later Valois and earlier Bourbon princes with the present French republic, the period of the Medici and Sforzas and Borgias with the period of Leo XIII. and Humbert, the monstrous wickedness of the Thirty Years' War with the ennobling patriotism of the Franco-Prussian struggle, and the despotism of the miserable German princelings of the sixteenth and seventeenth centuries with the reign of the Emperor William.

The gain is not simply that mankind has arrived at a clearer conception of law in the universe; not merely that thinking men see more clearly that we are part of a system not requiring constant patching and arbitrary interference; but perhaps best of all is the fact that science has cleared

¹ See Professor J. Winthrop on Comets.

away one more series of those dogmas which tend to debase rather than to develop man's whole moral and religious nature. In this emancipation from terror and fanaticism, as in so many other results of scientific thinking, we have a proof of the inspiration of those great words: "THE TRUTH SHALL MAKE YOU FREE."

WILLEM USSELINX

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WILLEM USSELINX
FOUNDER OF THE DUTCH AND SWEDISH WEST INDIA COMPANIES

BY

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*Ἄνδρα μοι ἔννεπε, μοῦσα, πολύτροπον, ὃς μάλα πολλὰ
Πλάγχθη.* —Od. i. 1, 2.

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PREFACE.

The sources of this biography of one who may be called the Lesseps of the seventeenth century, have been of three kinds: first, the books and pamphlets of Usselinx; second, his manuscripts, and manuscript materials concerning him; third, various books, contemporary or recent. Of most of the printed writings of Usselinx there are copies in some one or other of our libraries; of others I have obtained transcripts from abroad. Of them all, the *Argonautica Gustaviana* is the most comprehensive, and the most fruitful of materials to a biographer. As there are in America several copies of it, but very few copies of those pamphlets which are reprinted in it, I have, in citing them, made my references to the pages of the *Argonautica*. The first part of the appendix gives a full bibliography of all printed pieces which I attribute to Usselinx, with the titles lined and typographically imitated. Their rarity and the need of distinguishing editions seemed to justify this care; it has been possible to improve greatly upon the list given by Asher. In our own time some of the letters and memorials of Usselinx have been printed by the late Professor O. van Rees, in the appendices to the second volume of his *Geschiedenis der Staathuishoudkunde in Nederland tot het Einde der achttiende Eeuw*; another has been printed in the *Kronijk* of the *Historisch Genootschap te Utrecht*.

The late Hon. Henry C. Murphy, while minister of the United States at the Hague during Mr. Buchanan's administration, had copies made of some of the memorials and letters of Usselinx in the Royal Archives, as well as of most of the resolutions of the States General and a few of those of the States of Holland concerning him. It was the intention of

Mr. Murphy to prepare a biographical sketch of him, but this was never done. These copies, together with a few letters and notes on the subject, were acquired for the Library of the State of New York, and were examined by me at Albany. Considerable as this mass of material is, the archives at the Hague contain much more. The royal archivist, Mr. L. Ph. C. van den Bergh, was so good as to send me a complete list of all resolutions referring to Usselinx and all letters and memorials of his to be found there; I then procured copies of all those which were not included among Mr. Murphy's transcripts. Very few of the resolutions of the States of Holland, however, were included in either of these collections. Those resolutions, though printed, were printed in 277 volumes folio, and were not more accessible to me than manuscript. Through the kindness of Dr. W. N. du Rieu, librarian of the University of Leiden, I obtained a complete set of copies of all the resolutions of Holland respecting Usselinx or the Dutch West India Company down to the closing years of his life.

But much the largest mass of manuscript material, and that which has given the greatest amount of absolutely new information, has come to me from the archives of the kingdom of Sweden, at Stockholm. It was the habit of Chancellor Oxenstjerna to preserve his papers with great care. The Oxenstjerna collection in the archives mentioned contains therefore a great number of the letters and memorials of Usselinx addressed to him. Of these, and of whatever else the Swedish archives have that bears upon my subject, I have procured copies. Of one of his memorials a copy has come to me from the Archives des Affaires Étrangères at Paris. From local archives in various towns in the north of Europe, transcripts of documents or extracts from records relating to him have been obtained. As at the beginning of his letters or memorials to the States General or the Swedish chancellor he frequently mentions when he last wrote, I am able to have the gratifying assurance that, despite the distance in time, I have a copy of nearly every letter which he wrote to them, beside many to others,

of which he sent the chancellor copies. The second portion of my appendix gives a complete list of all his unprinted writings of which I have any knowledge; the other manuscript materials are not included.

As to books, contemporary or more recent, I have not knowingly neglected any, in any of the libraries hereafter mentioned, which might give me information concerning Usselinx or those portions of the history of his times which I needed to know. In the case of certain books not obtainable in this country, transcripts of the desired passages have been made for me, especially by the kind care of Messrs. Frederik Muller and Company, of Amsterdam. With the exception of these cases, all references have been made at first hand, except that once or twice a friend has verified for me a reference to a book which I had previously examined, but needed to consult anew on some detail; for I have had to examine these widely scattered books when I could. I have not thought it worth while to include a bibliography of such books. Such lists of "authorities consulted" are of little real utility in such a book; the references in footnotes suffice.

It is right that I should state what has previously been written upon Usselinx. In writers contemporary or nearly contemporary with him, very little is to be found concerning his life. The first who in recent times gave any considerable information about him from original sources, was Mr. W. J. E. Berg van Dussen Muilkerk, in two articles in *De Gids* for 1848 and 1849, entitled *Bijdragen tot de Geschiedenis onzer Kolonizatie in Noord-Amerika*. In the ninth volume of the *Navorscher*, Mr. J. Bouman gave a few additional facts. All this, however, amounted to but a few pages. Much more information was given by Dr. G. M. Asher, in his *Bibliographical and Historical Essay on the Dutch Books and Pamphlets relating to New Netherland and to the Dutch West India Company*, Amsterdam, 1854-67. The somewhat too glowing account of the life and writings of Usselinx, given in that excellent book, has remained to American readers the chief source of information on the subject. Meanwhile, in 1863, there appeared in the *Preisschriften* of the

Fürstlich Jablonowski'sche Gesellschaft at Leipzig, a Geschichte der volkswirtschaftlichen Anschauungen der Niederländer und ihrer Litteratur zur Zeit der Republik, by Dr. Étienne Laspeyres, in which was given some additional information respecting Usselinx, in connection with the economic history of his years spent in the Netherlands, and many bibliographical indications.

The best account of these years, however, is the chapter on Willem Usselinx and the founding of the West India Company, in the second volume of Professor O. van Rees' *Geschiedenis der Staathuishoudkunde in Nederland tot het Einde der achttiende Eeuw*, Utrecht, 1868, a most admirable book. This chapter had also appeared the year before as an article on Usselinx in the 107th volume of *Vaderlandsche Letteroefeningen*. But in both the book and the article the history of Usselinx is related only in so far as it is a part of the economic history of the time. And in all these books scarcely any thing is told of his life after his withdrawal from the Netherlands in 1623. Of the last three fifths of my monograph, therefore, nearly all is quite new, though some facts relating to this period have been given by Professor C. T. Odhner, in his *Kolonien Nya Sveriges Grundläggning*, translated in the *Pennsylvania Magazine of History and Biography*, vol. iii., and some, from the *Argonautica*, by Dr. Friedrich Kapp, in his article, entitled *Peter Minnewit aus Wesel*, in the fifteenth volume of the *Historische Zeitschrift*. My narrative, however, is constructed from original sources, quite independently of these books and articles, though I have consulted their statements, and in the early stages of my investigation derived from some of them valuable hints as to sources. The only thing published in America on the subject is a small pamphlet, printed as one of the papers of the Delaware Historical Society, entitled *Some Account of William Usselinx and Peter Minuit*, by Joseph J. Mickley. The part on Usselinx is of only seventeen pages, and not of a scientific character; concerning its assertion of being based on unpublished documents I have spoken my mind freely in foot-note 148.

In this country, my greatest obligations have naturally been for the most part to librarians, who have with unfailing kindness assisted the researches I have had to make in our various large libraries. I am under especial obligations to David Hutcheson, Esq., of the Library of Congress, to Dr. Henry A. Homes, librarian of the State of New York, and to Justin Winsor, Esq., librarian of Harvard University. Especially kind favors have been received from Professor Gregory B. Keen, corresponding secretary of the Historical Society of Pennsylvania, from Mrs. John Carter Brown and J. Nicholas Brown, Esq., of Providence, and from the late Hon. John Russell Bartlett. I have to acknowledge obligations less extensive but not less gratefully remembered, to the Honorable Mellen Chamberlain, Esq., librarian of the Boston Public Library, to C. A. Cutter, Esq., librarian of the Boston Athenæum, to Frederick D. Stone, Esq., librarian of the Historical Society of Pennsylvania, to Theodore F. Dwight, Esq., chief of the Bureau of Rolls and Library in the Department of State, to J. Carson Brevoort, Esq., of Brooklyn, to Dr. Geo. H. Moore, librarian of the Lenox Library, to Mr. Bjerregaard of the Astor Library and Mr. Newhouse of the Library of Congress, and to the officers of the Peabody Institute Library in Baltimore.

But the materials which I have obtained from abroad have obviously been the most important. For the largest portions of these, my warmest thanks are due to Mr. L. Ph. C. van den Bergh, archivist of the royal archives at the Hague, to Dr. W. N. du Rieu, librarian of the University of Leiden, and to Madame K. Sjöberg, of Stockholm. Without their kind assistance the book could never have been written. I have also received obliging favors from Professor Paul Fredericq, of the University of Ghent, from Dr. G. E. Klemming, chief librarian of the Royal Library at Stockholm, from Dr. C. G. Malmström, archivist of the kingdom of Sweden, from Dr. Claes Annerstedt, chief librarian, and Dr. Aksel Andersson, assistant librarian, of the University of Upsala, and from Henry Vignaud, Esq., secretary of the United States Legation at Paris. Town archivists have been very ready in

assisting my researches. MM. P. Génard, archivist of Antwerp, and H. van Neuf, archivist of Hasselt, Mr. A. Wildschut Az., archivist of Purmerend, Dr. Theodor Schiemann of Reval, Dr. G. von Bülow, kön. Staatsarchivar at Stettin, Dr. Mummenhoff of Nuremberg, and Dr. H. Grotefend of Frankfort-on-the-Main, have sent me materials of value. With equal kindness, though with less result, researches have been made for me by the archivists Dr. F. Crull of Wismar, Dr. C. Wehrmann of Lubeck, and Dr. Velke of Mainz, and by Drs. F. Voigt and W. Sillem of the Verein für Hambürgische Geschichte.

A part of the earlier chapters of this paper was read at the meeting of the American Historical Association at Washington, on April 29, 1886; a larger part before the New York Historical Society, on March 1, 1887. On the latter occasion, a member defended Dr. O'Callaghan from the charges suggested by what I have said as to his translation of the charter of the Dutch West India Company (see *post*, pp. 71-72). I did not feel that there was opportunity then to present my proofs; the reader will find them in foot-notes 126, 127, and 128. The defence urged was that Dr. O'Callaghan's competence was shown in the matter of a translation made by him in connection with a certain lawsuit. In subsequent conversation it appeared that the document was not the charter I was speaking of, and that the case occurred about 1877. I have not alleged that Dr. O'Callaghan could not make a good translation from the Dutch in 1877 (though I have no very great opinion of his scholarship); I have only stated that he *did* not make a good one in 1855, the date of his History of New Netherland, but adopted an imperfect one from Hazard. Portions of the subsequent chapters were read before the Historical Society of Pennsylvania on May 9, 1887.

My effort has been to give dates according to new style in Catholic countries and in the province of Holland, according to old style in other Protestant countries and cities.

J. FRANKLIN JAMESON.

JOHNS HOPKINS UNIVERSITY, Baltimore, May 12, 1887.

WILLEM USSELINX.

I.—EARLY LIFE.

"Y pues es de andar adonde haya trato grande, digo que no es razon de se detener, salvo ir á camino y calar mucha tierra fasta topar en tierra muy provechosa."—COLUMBUS, Journal, Oct. 23, 1492.

OF all the heroes who in any way assisted the emigration of the pious Æneas, only two, Palinurus, who navigated one of the vessels, and Misenus, who blew the trumpet, attained, through the bestowal of their names upon two Italian headlands, an immortal remembrance among the posterity of the colonists. Helenus, who, with minute care, pointed out the way, enumerated its dangers, foretold the greatness awaiting the band of exiles, supplied them with equipments, and sped them on their way, received no such reward. It has been somewhat so with the heroes of American colonization. The navigators of ships, on the one hand, and, on the other hand, the blowers of the trumpet, like Captain John Smith, have received among us in full payment the glory that is their due; but, meanwhile, we have been somewhat less than just to the memory of those who, without having themselves come to this country, or shared in the picturesque adventures of the age of settlement, stood behind all efforts towards colonization, and assisted them in ways more prosaic, but not less efficient, nor less deserving of grateful remembrance,—the class of colonial projectors. A voyage or two has been enough to make the names of Amidas and Barlow, Gosnold, Pring, Weymouth, and Henry Hudson household words among us. The very school-children know about them. But Richard Hakluyt and the Reverend John White occupy by no means so large a space in the public

the Netherlands themselves by the arrival of the Duke of Alva and the departure of the Duchess Margaret. Antwerp was, at the beginning of that year, literally at the height of its prosperity, and we shall not be far wrong if we declare that the future merchant, economist, and colonial projector was born at the commercial capital of the world, the centre of its wealth and civilization. The immense trade which, two or three generations before, had been transferred to Antwerp from Bruges had not yet begun to decline; a few years before, we are told,⁴ it was no uncommon thing to see the sails of two or three thousand vessels in the Scheldt; and, at the time of the arrival of Alva, the population of the city was probably not less than one hundred thousand.⁵ From the day of that arrival, however, the decline of the city began. The heavy, ill-adjusted, and injurious taxes which the new commander imposed in order to defray in part the expense of building the new citadel, and, above all, the institution of the famous "Blood-Council," and the terror which its summary proceedings inspired in a community perhaps half Protestant, caused an immediate and extensive emigration of traders and others. A census ordered by the Bishop of London, in this year, showed that of 4,851 strangers then in the city, 3,838 were from the Low Countries. It is this exodus which has been, indirectly, the occasion of the preservation to our time of a few bits of information concerning the family of Usselinx. For towards the end of September, when Alva had been in the province scarcely more than a month, it already became necessary to issue a proclamation prohibiting any individual from leaving the country until he had given the city council a month's previous notice of his intention, and received their permission to depart.⁶

It is, no doubt, this order that occasioned two declarations which M. P. Génard, the archivist of Antwerp, a few years ago, discovered in the certificate-book of the *schepens* of that city, under date of Oct. 9 and Oct. 10, 1567, respec-

⁴ J. W. Burgon, *Life and Times of Sir Thomas Gresham*, i., p. 72, quoting Huet.

⁵ Burgon's *Gresham*, i., p. 75.

⁶ *Id.*, ii., p. 242.

tively. In the former, Adriaen Urselincx, native of Hasselt, citizen, declares under oath that he has occasion, in behalf of his employers, to journey to Frankfort, Nuremberg, Leipzig, and elsewhere, for the sole purpose of collecting debts due them, and that he has no intention to remain in any of those places. In the second, Willem Ursselincx, citizen, makes similar declaration that he has occasion to go to Cologne, Bingen, Bacharach, and other towns on the Rhine, to collect debts due him and buy wine, and does not intend to remain there. The learned archivist is manifestly wrong in attributing the second of these declarations to the Willem Usselinx who is the subject of this monograph, for he was born only a few months before ; we may suppose, the surname being a rare one, that the two merchants were his father and uncle.⁷ It appears from the certificates that, though they had attained the freedom of the city of Antwerp, the family of Usselinx originated in Hasselt, a small town in the dominions of the prince-bishop of Liège, some fifty miles southeast of Antwerp,—the town where, in Mr. Browning's famous poem, the first of the three horses galloping from Ghent to Aix gives out.⁸ In view of the strong

⁷ From a separate reprint, kindly transmitted to me by M. Génard, of his fourth annual report as Secretary of the Société de Géographie d'Anvers, and printed in the bulletin of that society, Tom. vi., p. 147 (also in the *Bulletin des Archives d'Anvers*, T. xii., pp. 60-1). The certificates read :

“ Adriaen Urselincx, geboren van Hasselt, *oppidanus, juravit et affirmavit* dat hy benoot wordt van hier te reysen naer Franckfort, Noerenberch, Lipsick ende elders om, voor zyne meesters, te heysschene, te ontfangene ende gecrygene sekere schulden die men hem schuldich is, ende dat hy tot geenen anderen eynde aldaer en is reysende, ende dat hy oock van gheender meyningen oft intencien en is aldaer zyn woonstadt te kiezen oft te houden.”

“ Willem Ursselincx, *oppidanus, juravit* dat hy benoot wordt te reysen naer Coelen, Byng, Bachgrach ende elders op den Rhyn, om zyn schulden te gecrygen ende oock om wynen te coopene, ende dat hy van geender meyningen oft intencien en is aldaer zyn woonstadt te houden oft te blyven woonen.” Since, on his journey to Gustavus, in 1629, Usselinx took a pass from Groningen under the name of Willem Willemsen, I am inclined to suppose that his father was named Willem. These two dates are in old style.

⁸ Mons. H. van Neuf, archivist of Hasselt, has kindly sent me a list of all the early baptisms and marriages of persons named Usselinx to be found in the archives there, but these begin only with the year 1582 ; the name William occurs in the family, however.

Calvinism of Usselinx himself, one's first thought might be that his father and uncle, if such they were, had fled to Antwerp to escape religious persecution from their ecclesiastical lord; but, in reality, the bishopric of Liège had been, during the period preceding, on the whole, a more comfortable place for Protestants than the provinces under the king of Spain,⁹ and it is quite as likely that they removed to Antwerp for purposes of trade.

The youth of Usselinx was probably spent at Antwerp. His education was that of the business man rather than of the scholar; here and there in his writings he tells us, in quaint phrases, that he is not learned, knows little of the classics and of jurisprudence, has little Latin wisdom.¹⁰ That education which comes from living amid stirring events he had much opportunity to gain. Not only were the first eighteen years of his life marked by the rising of the northern provinces, the heroic resistance of Holland and Zeeland, the pacification of Ghent and the union of Utrecht, the abjuration of Philip and the assassination of Orange, but in Antwerp itself the image-breaking riot of the year before his birth, and the Calvinistic tumult of that year, had been followed at short intervals by the troubles with the mutineers in 1574, the terrible Spanish fury two years later, the attempt of Anjou and his followers in 1583, and, finally, by the ever-memorable siege in 1584 and 1585.

All this, no doubt, did much to produce that intense hatred of Spaniards and Catholics, of which the writings of

⁹ See the essay of M. Henri Lonchay, *Les dits des Prince-vêques de Liège en Matière d'Hérésie au xvi^e Siècle*, especially pp. 48-50, in the first *fascicule* of the *Travaux du Cours Pratique d'Histoire Nationale* of Prof. Paal Fredericq.

¹⁰ Naerder Bedenckingen, pp. 2, 24, 34; *Argonautica Gustaviana*, pp. 32, 48. According to a note of Mr. Henry C. Murphy's, *De Koopman*, ii. (anonymous, 1770), says on Usselinx in a foot-note, p. 74: "Amateurs still know of a letter of his, written in French to Dr. P. Plancius; I have a copy of it among my papers." Other letters of his, in French, will be spoken of hereafter. The Stockholm MSS. show that he, in later life, had acquired some knowledge of German and Swedish; and a letter of about 1642, to Oxenstjerna, shows that he had an acquaintance, though not a perfect one, with Spanish.

Usselinx are so full, and this perhaps equally whether he was or was not still resident in the city of his birth. If he was, in fact, a witness of the great siege, he must soon after have left the city¹¹ and entered upon that second stage in his career, the effects of which, even more conspicuously than his early-imbibed hatred of Spain, appear with dominant influence in all his subsequent life. Following, no doubt, a custom of foreign service frequently observed by young Antwerpers of mercantile families, he went to spend several years, perhaps as agent of some great Antwerp firm, in other dominions of the king of Spain. That he went out with a mind open to other than mercantile ideas is, however, evident enough; in particular, an eager desire to know more of the wonderful regions then newly discovered, an interest in all geographical information, was likely to be part of the mental equipment of any young fellow-citizen of Ortelius and Mercator, who had been making Antwerp at this time the chief centre of geographical science.¹²

A part of these fruitful years was spent in Spain, perhaps chiefly at Seville, where he watched with eager interest the unloading of the great plate-fleets, and in Portugal,¹³ but most of them apparently in the Azores, where he probably arrived soon after the occupation of the island by the troops of Philip II.¹⁴ In those islands there was a considerable popu-

¹¹ Statements in the memorial to the States General, of August 15, 1630, printed in the *Argonautica Gustaviana*, p. 51, and elsewhere, require him to have been absent from the Netherlands for several years preceding 1591. A copy of this memorial, an important source for the biography of Usselinx, is in the Royal Archives at Stockholm (Bibliographical Appendix, II., No. 43); but I shall quote it from the printed copy in the *Argonautica Gustaviana*, rather than from my transcript of the manuscript.—The name Usselinx is not found in the list, published in the *Kronijk of the Historisch Genootschap te Utrecht*, for 1852, p. 27, of a large number of Antwerp families who, in the year after the siege, inform Leicester of their desire to emigrate to Middelburg.

¹² Vivien de St. Martin, *Hist. de Géog.*, pp. 399, 400.

¹³ Corte Aenwysinge, of April 13, 1620, published as Appendix iii. of O. van Rees, *Geschiedenis der Staathuishoudkunde in Nederland*, ii., p. 413; and *Arg. Gust.*, p. 51. In *Arg. Gust.*, p. 10 (*Vthförligh Förklaring, Div verso*), he says that he learned most of his science from the Portuguese.

¹⁴ *Arg. Gust.*, pp. 37, 51; *Mercurius Germaniae*, p. 41. A statement to

lation of Flemish descent. The islands had been discovered, or rediscovered, by mariners from Flanders, and were still almost as commonly called the Flemish Islands as the Azores. Somewhat more than a century before, a colony of two thousand Flemings had gone out thither from Antwerp," "whereof, till this time," says Jan Huyghen van Linschoten, in Purchas, "there is a great number and offspring remayning, that in manner and behauour are altogether like Netherlanders"; "yet," says he in another place, in his description of Fayal, "they vse the Portugals language, by reason they haue been so long conuersant among them, and those that vsed the Dutch tongue are all dead: they are greatly affected to the Netherlanders and strangers." " Here, among the friendly descendants of the

the effect that he had been in the Canaries is to be found at p. 255 in the *Advies tot Aanbeveling van de Verovering van Brazilië*, published in vol. 27 (1871) of the *Kronijk* of the *Historisch Genootschap te Utrecht*, and attributed by the editors to Usselinx. I have given elsewhere (Note 135) my reasons for believing that it cannot have been written by him. Udemans, "T Geestelijk Roer, i., f. 100, says that he had spent several years in Spain, the Azores, and the West Indies; but this is explained by the statement in *Arg. Gust.*, p. 37, (*Vthförligh Förklaring*, J verso), where Usselinx says, "I have lived for a time in the Azores, which are reckoned part of America." A similar statement is made in an unpublished memorial presented June 15, 1622 (*Bibliographical Appendix*, II., No. 12), now in the Royal Archives at the Hague, but of which a copy (designated as B. 1:9 in the calendar) is among the Murphy MSS. in the New York State Library at Albany; replying to cavils, he says that he has been in some islands of America, but that whether he had been in the Antilles or the Azores or Punta de Araya or along the whole African coast is all the same. Dr. Asher is in error when he says, *Dutch Books and Pamphlets*, p. 83, referring to that passage in the Dutch Octroy ofte Privilegie which corresponds to the German *Arg. Gust.*, p. 37, that the statement there made as to his travels "has not been noticed by any compiler since Udemans, who is the only one who tells us that Usselinx has not been in America, but that he lived for several years in the Azores;" what Udemans really says is the reverse. The residence in the Azores is also mentioned in an unpublished memorial (*Bibliog.*, II., No. 17) of Feb. 24, 1623 (Hague MSS.); a notation which I shall employ to denote documents at the Hague of which I have, through the courtesy of Mr. L. Ph. C. van den Bergh, the royal archivist, obtained copies.

¹⁵ Bennet and Van Wyck, *Verhandelingen over de Nederlandsche Ontdekkingen*, etc., Utrecht, 1826, pp. 11-17.

¹⁶ Purchas *His Pilgrimes*, Fourth Part, London, 1625, pp. 1668, 1672.

Netherlanders in Fayal, or among the Portuguese inhabitants and Spanish garrison of the larger port of Angra, in Terceira, Willem Usselinx served his apprenticeship as a student and observer of colonial matters, acquiring, sometimes at much expense," that wonderful familiarity with the details of East Indian and West Indian trade, which the reader of his many writings is so often called upon to admire.

What the life of a Dutch factor in the Azores must have been, we can picture from the account, already mentioned, of Linschoten, whose three years' detention occurred at just about this time. The islands lay directly in the path of trade to both East and West Indies. Month after month "argosies with portly sail, like signiors and rich burghers of the flood," signalled from the twin hills behind the town, sailed up, laden with gold and silver and pearls, with silks and spices and drugs, into the port of Angra, discharged or shifted their cargoes, took in water and supplies, made their settlements at the weather-worn stone custom-house, and sailed away again. Meanwhile the foreign merchants, no longer jealously confined to a single street, as when the Portuguese ruled, yet still forbidden to explore the coasts of the island, rapidly drew streams of wealth from this main artery of commerce. Year after year the great carracks and galleons of the king's silver-fleet made their annual visit to the harbor; and year after year the English captains lay in wait for them off Flores and Corvo.

Usselinx was probably in the islands when Sir Richard Grenville, on his way back from Raleigh's deserted colony at Roanoke, plundered the Azores in 1586, when Drake, the next year, lying near the islands, took the "St. Philip," the first carrack captured, and when, in 1589, the Earl of Cumberland, in his third voyage, took Fayal; he may even have been there two years later, when, off the two northwestern

A full history of the principal island, during the period of Usselinx's stay, is to be found in *Annaes da ilha Terceira*, por Francisco Ferreira Drummond, Angra, 1850, pp. 268-382, for an opportunity to examine which I am indebted to the kindness of Col. T. W. Higginson.

¹¹ Arg. Gust., p. 37. Vthförligh Förklaring, J.

islands, gallant Sir Richard Grenville ended his life like a true soldier of Elizabeth, in the immortal last fight of the "Revenge." But it is most likely that, either in 1590 or in 1591,¹⁸ the young merchant, already apparently a wealthy man,¹⁹ returned to the Low Countries, and, making little or no sojourn in his native city,²⁰ repaired to the northern provinces, now far more decidedly separated than when he left from those still obedient to the king of Spain. Antwerp had indeed, since its capture by Parma, little attraction for an active and enterprising merchant. With the mouth of the Scheldt in the hands of the States, its trade rapidly declined. "At this day," says Fynes Moryson, "forsaken of Merchants, it lies ouergrowne with grasse, and the said trafficke inricheth Holland and the vnitied Prouinces."²¹ But it was with other purposes than those of an ordinary merchant that he repaired thither; the grand project of his life, that of founding a great West India Company, was already formed, and in 1591 or 1592²² he be-

¹⁸ Usselinx says, in the *Argonautica Gustaviana*, p. 51, and *Mercurius Germaniae*, p. 41, that he began discussing his great project there in 1591; in the *Memorie aenwysende* of Oct. 3, 1644, which forms Appendix xiv. of Van Rees, vol. ii., at p. 461, he gives 1592 as the date of this.

¹⁹ In the *Memorie van t' gene ick . . . noch voor te dragen hebbe*, of Oct. 15, 1644, Van Rees, ii. (Appendix xv.), p. 476, he declares that he had been "een vande ryckste van 't Lant," and p. 478, that he had lost 100,000 fl. at the Beemster. In the *Mercurius Germaniae*, p. 44, he puts his total losses there at 300,000 fl., but apparently this includes what he had expected to make out of his investment. In any case his property was very large; Asher, *Dutch Books and Pamphlets*, p. 51, speaking of his request mentioned in the resolution of the States of Holland, on April 23, 1622, refers to 120,000 or 150,000 fl. as "a sum the more considerable for the times of which we speak, since the rich Kiliaen van Rensselaer did not leave so much to his heirs."

²⁰ Caspar Commelin, *Beschryvinge van Amsterdam*, Amst., 1726, ii., p. 1107, uses phrases which imply a residence in Antwerp just before his settlement in the northern provinces—"een Antwerps koopman, metter wooninge hier t' Amsterdam gekomen (alsoo die van de Herformde Godsdienst uyt Brabant geschopt wierden) hebbende lang in Spanjen en andere vergelegen Eylanden verkeert." Commelin is no doubt the source of the similar statement in Van der Aa's *Biographisch Woordenboek*, art. Urselinx.

²¹ *Itinerary*, part iii., p. 92.

²² To what has been mentioned in note 18 may be added the statement on pp.

gan advocating it in the northern provinces, though he wrote nothing on the subject till about 1600.²² But so closely was the scheme connected with the political state of the Netherlands at the time, that it will be quite necessary to give some account of this before describing the nature and details of the plan or narrating the labors of Usselinx in its behalf.²³

II.—THE PROJECT OF THE DUTCH WEST INDIA COMPANY.

Westindjen Kan sijn NederLands groot gewin
Verkleynt 'svijands Macht brengt silver-platen in.
Voortganck van de W. I. Compagnie, 1623.

When the project of a Dutch West India Company first came prominently into public notice, the memorable war against Spain had been in continuance for forty years. The archduke and archduchess, who now ruled the southern provinces, and the Marquis Spinola, who had so successfully commanded the Spanish army for them, had come to be desirous of peace or a truce, and even the virtual ruler of Spain, the Duke of Lerma, was inclining toward it.

In the United Provinces, however, two opposite currents of opinion began to manifest themselves as soon as the notion of a cessation of hostilities was suggested. To Maurice of Nassau, stadholder of five of the seven provinces and captain-general of their forces, and famous for military skill

ii., 21, 30 of the *Waerschouwinge over den Treves* (edition of ii. + 30 pp., 1630, *Bibliog.*, I., No. 22), that he worked thirty years before the company was started.

²² *Arg. Gust.*, p. 51.

²³ For the opposing constitutional and political tendencies of the times, I have used Motley's *History of the United Netherlands*, vol. iv., especially pp. 293-5, 398-400, Mr. Groen van Prinsterer's interesting introduction to vol. ii. of the second series of the *Archives ou Correspondance inédite de la Maison d' Orange-Nassau*, and Mr. L. Ph. C. van den Bergh's paper, *De Binnenlandsche Staatkunde van Oldenbarneveld*, in the *Verslagen en Mededeelingen der Koninklijke Akademie van Wetenschappen*, afd. Lett., 2de reeks, deel xii., pp. 72-87, with the discussion of the same by Messrs. W. G. Brill, R. Fruin, and van den Bergh, on pp. 88-96. Also, K. Th. Wenzelburger, *Gesch. der Niederlande*, vol. ii. (1886), pp. 707-722; and, though with caution, Dr. Asher's *Bibliographical and Historical Essay*.

above all the commanders of his time, peace meant a sudden and most serious, if not a complete, loss of power. His genius was adapted for war only, in it his life had been spent, with its cessation his occupation would be gone, and his influence in affairs would become insignificant. With this motive of ambition, strengthened by the fact that in the last few campaigns his military prestige had suffered in comparison with that of Spinola, was coupled the patriotic desire to make further conquests for the republic, to advance farther southward the boundary between the United Provinces and those still under the Spanish yoke.²⁸ To many of his compatriots it seemed a solemn duty lying upon those who had already attained freedom, to liberate their brethren, to assist them also to possess the promised land of freedom after their forty years' wandering in the wilderness, as Reuben, Gad, and the half-tribe of Manasseh, though secure in the possession of their own land, would not return to their houses until their brethren had inherited every man his own inheritance. Many also among the Netherlanders desired the continuance of those material gains which the war brought (for only the older men knew by experience the blessings of peace). Especially was this true of the merchants, the mariners, the ship-chandlers, all those in fact who gained their living by occupations connected with shipping and commerce, and, above all, those engaged in trade to the East or West Indies; for it was plain that the negotiators for the king of Spain would demand the renunciation of all trade with regions which he claimed as exclusively his own possessions. To these add the soldiers and those whose zealous Protestantism revolted at the thought of peace with the arch-enemy of their religion, and it will seem not improbable that more than half the population of the country desired the continuance of the war.

But it was no part of the constitutional doctrines of most of the United Netherlands that the desires of the majority of the people should prevail.²⁹ They were republics, they

²⁸ Van den Bergh, *ubi sup.*, p. 74.

²⁹ For the details of the constitution, I have used De Wicquefort's *Histoire*

were the freest lands in the world, but they were any thing but democracies. The governing body was, indeed, differently constituted in the different provinces. In Friesland and Groningen the provincial States were chosen by something closely approaching popular election. In some of the other provinces the nobility, and in one the clergy, enjoyed a greater or less degree of representation. But for the most part the provincial Estates consisted of deputies who represented the magistracies of the cities.

The municipal councils were, then, in most cases the ultimate authority; and these were, under some limitations, self-electing. Friesland and Groningen excepted, nowhere, virtually, was there any provision for popular representation. The city council chose all the officers of the city, and sent, to represent it in the provincial States, most commonly one or two burgomasters, several councillors, and the pensionary or the secretary. The number of persons deputed might be greater or smaller, for in any case each city had but one vote. The States of the province of Holland may best be selected as an illustration, not only because that was the largest of all the provinces, paying considerably more taxes than all the rest put together, but also because in narrating the life of Usselinx we shall frequently encounter "The Noble, Great, and Mighty Lords the States of Holland and West Friesland," and their constitution is therefore worth our attention. That body consisted of nineteen members; the nobility of the province formed one and were represented by one of their number; and the others were the eighteen chief towns, each represented in the manner already mentioned. The pensionary or advocate of the province presided over their deliberations and arranged their business. Their meetings took place at the Hague. Through this assembly the sovereign powers of the province were exercised, but it

des Provinces Unies, t. i., pp. 5-25, and Cardinal Bentivoglio's *Relacion de las Provincias Unidas de Flandes*, pp. 3-9, not having permanently by me a copy of the *Apologeticus* of Hugo Grotius. I have not used the Italian of Bentivoglio, but the Spanish translation, Madrid, 1638, which I happen to have. See also Wenzelburger, *ibid.*

should not be forgotten that the sovereignty itself resided in the nineteen members and not in their deputies; and many of the most important matters of deliberation were subjected, as we shall see, to enormous delays, because the deputies in the provincial States must refer them to their principals, the city councils.

The seven provinces were independent and sovereign states. But the loose union in which they were joined had as its organ an assembly long familiar in the affairs of Europe under the title of "The High and Mighty Lords the Lords States General of the United Netherlands." This assembly was not a sovereign legislative and executive body; rather was it a permanent congress of ambassadors, deputed by the provincial States to represent them in deliberations at the Hague upon common affairs, but with little power of concluding save with the unanimous consent of the assemblies which deputed them, and of the city magistracies and other ultimate repositories of sovereignty which deputed those assemblies. Each province fixed the form of its representation to suit itself, since the voting was by provinces. A general council of state also existed, but with diminished powers.

Such had the constitution of the United Netherlands become. The whole system was full of those time-honored anomalies to which the Dutch mind clung with so tenacious a conservatism; and, obviously, it was any thing but consolidated or popular government. Especially since the quiet revolution which had followed, in 1588,²¹ upon Leicester's withdrawal, power had been in the hands of close municipal corporations, of a burgher aristocracy. At the head of this revolution, and at the head of the ruling body thus intrenched in power, was John van Oldenbarneveld, the pensionary of Holland, omnipotent in its councils and in those of the States General. He it was who now headed the party in favor of truce or peace with Spain.

The burden of the war was great, its results had in recent years been slight; and the land had need of rest. More-

²¹ Groen van Prinsterer, Archives, ii., p. LIX.

over, the advocate was attached to that system of government under which the rights of the individual provinces were jealously guarded, and political power was exercised through the assembly of the States General, though in such a way as to secure a preponderant influence to his own great province. Hence he had already begun to look with misgiving upon the authority which the House of Orange was acquiring through the continuance of the war under the direction of the two stadholders. All those who viewed with aversion any advance in the direction of centralization and monarchy, and especially the municipal oligarchies, shared for this reason his desire for peace. Moreover, however desirous the majority of those engaged in commerce might be for a prolongation of the war, the cities of Holland could hardly desire it to be pushed to the recapturing of Antwerp and the opening of the Scheldt. For in that case they might not unreasonably fear a revival of the prosperity of Antwerp at their expense, a great migration thither, the loss of all their recent growth, and a pronounced southward movement of the centre of gravity of the republic.²⁸

Results of great moment proceeded from these dissensions respecting the truce; for out of them grew those permanent and pervasive party divisions with which the United Provinces were vexed till the very extinction of the republic. The germs of such a division already existed; in a federal republic the opposition of the decentralizing and the consolidating tendencies, of state rights and nationalism, is inevitable. But here were added, on the one side those allied tendencies to monarchy and democracy, with their natural impulse toward war, which gave the partisans of the House of Orange a position closely resembling that of the Barcine faction in the chief commercial republic of antiquity; and on the other hand, the tendencies toward municipal aristoc-

²⁸ Van den Bergh, *ubi sup.*, p. 74. Even in 1620 Girolamo Trevisano, the Venetian envoy, writes to the Doge: "Se può però creder, che se la città d' Anversa fosse nelle mani de' S^{ti} Stati, ò se misse à queste Provincie et potesse aver il commercio libero, come hora le viene impedito, fosse quella per ritornar nella sua floridezza et questa per declinar della sua grandezza."—*Historisch Genootschap te Utrecht, Werken, nieuwe serie, No. 37 (1883), p. 419.*

racy and civil rule and peace. The one was the party most favored by the poor, the other that of the rich; the one the party of the smaller provinces, the other that of the province of Holland, exercising in the confederacy a hegemony not unlike that exercised by Prussia in our day. Even the religious divisions came to have much the same lines of cleavage, for the Gomarists or Calvinists were in general adherents of the Orange party, while the political doctrines of the Arminians inclined them to the party of oligarchy. Prominent also among the objects of party contention were the East India Company and the West India Company, and their supporters were found in opposite ranks.

It was natural that the emigrants from the southern provinces, especially since they had no interest in maintaining the power of the municipal oligarchies or the rights of one province more than another, should adhere to the Orange party, for only through the continuance of the war could they hope to regain their homes and possessions. The exiles were very numerous²⁹ and enterprising. An astonishingly large number of the men eminent in this generation in Holland and Zeeland came thither from the southern provinces. Aerssens, the secretary of the States General, his son the ambassador at Paris, Caron the ambassador in England, de Sille the pensionary of Amsterdam, Justus Lipsius, Gomarus the leader of the orthodox, Plancius the geographer, van Meteren the historian, Jodocus and Hendrik Hondius the engravers, Balthazar de Moucheron, Isaac and Jacob Le Maire, Godyn and de Laet,—all these were natives of the region now called Belgium.³⁰ Their influence upon the prosperity of the United

²⁹ See Usselinx, *Argonautica Gustaviana*, p. 19; *Næerder Bedenckingen*, p. 23. Asher, *Bibliography*, p. xiv., says that more than 100,000 Protestant families were driven to the north; I do not know his authority.

³⁰ Wenzelburger, *Geschichte der Niederlande*, ii., pp. 743, 744; Asher, *Bibliographical and Historical Essay*, pp. xiv., 32, 33, 75-7, and his introduction to the volume on Henry Hudson the Navigator, which he edited for the Hakluyt Society, pp. xxi.-xxxi. While much indebted to the former work of Dr. Asher for first pointing out to me the great influence of the emigrants, I cannot conceal my conviction that, following Usselinx too implicitly, he exaggerates it greatly, especially when, p. 76, he attributes to it the very existence of the Dutch as a nation. The facts exhibited by Wenzelburger, ii.,

Netherlands must have been great. And yet the position of many of them was far from comfortable, and even if they had not been excluded from political influence by the close corporations of the municipalities, and often looked at askance as foreigners,²¹ they could not be content so long as their native land remained unfreed. Hence they adhered to the war party, and the project of a West India Company, which one of the most prominent of them formed, was chiefly intended as a means of indirectly undermining the power of the king of Spain.

The great project which Usselinx had formed, and to which all the best years of his life were devoted, was, in brief, that of the establishment of a great commercial company which, overcoming by combination of resources the difficulties which deterred individuals, might create and maintain a flourishing trade between the Netherlands and the regions of America. This, he urged, would, on the one hand, directly increase the wealth and power of the Dutch through the interchange of their manufactures with the raw materials of the vast regions thus thrown open as a market. On the other hand, it would also, indirectly, give opportunities for undermining the power of the king of Spain in those regions, and, if he sought to expel the intruders, transferring the warthither, diverting it from the Low Countries themselves, and impairing or cutting off at its source the stream of wealth which flowed thence to his military treasury.

When the negotiations for the truce began, in 1606, Usselinx had already been working fourteen or fifteen years in behalf of this bold and original project. As already mentioned, he had begun to advocate it in writing about 1600,²² when al-

pp. 724, 725, will show how grossly Dr. Asher has, in order to support his thesis, underestimated the power and prosperity of the Dutch before they received these reinforcements from the south.

²¹ Usselinx, *Bedenckingen*, p. 7, and in the prefatory letter to the *Auszführlicher Bericht*, at p. 7 of the *Argonautica Gustaviana*.

²² His writings up to the year 1606 he enumerates in the *Memorie aenwysende* of Oct. 3, 1644, Van Rees, vol. ii., App. xiv., p. 461 (A. 6 among the transcripts at Albany). He refers to three, a *vertoog*, a *police*, and a *discours*. The Discourse to which he refers in the *Naerder Bedenckingen*, pp. 1, 31, as written several years before 1608 to induce merchants to join in forming a

ready the Netherland trade to the East Indies had grown so great that two years later, by consolidation of the companies trading thither, the Dutch East India Company was formed, while that to America, especially the salt trade to Punta de Araya, had assumed a considerable and growing importance. His first efforts seem to have been made principally at Middelburg²² and elsewhere in Zeeland,²³ a province more favorable to the designs of the war party than was Holland; but he was also much engaged in conference with influential persons in Amsterdam.

Two of these deserve more especial mention, for apparently scarcely any one in the Netherlands, Linschoten excepted, had a higher reputation for geographical knowledge than they. These two were François Francken,²⁴ member of the Hoograad (Court of Appeals) of Holland, and the eminent Calvinist minister, Petrus Plancius, whom President Jeannin, when ambassador of France in the Netherlands,

West India Company, and the Discourse on the population of the Indies written at the same period, referred to in the *Vertoogh, hoe nootwendich*, etc., p. 12, may be identical with the first and third of these. Whether they were printed is not indicated; at all events no titles corresponding to them are to be found in the two monumental catalogues of Dutch pamphlets, P. A. Tiele's *Bibliotheek van Nederlandsche Pamfletten*, and J. K. van der Wulp's *Catalogus van de Tractaten, Pamfletten*, etc., van Isaac Meulman. The second of the three, the *police*, is evidently the prospectus next mentioned in the text.

²² So say E. van Meteren, *Historie der Nederlanden*, p. 527b, and Udemans, f. 100. Mr. J. H. de Stoppelaar, formerly archivist of Middelburg, now president of the "*Tribunaux mixtes*" at Cairo, in a letter to Mr. J. T. Bodel Nyenhuis (copy in Murphy MSS., C. 2), says that Usselinx's name does not occur in the archives of Middelburg or of Zeeland as merchant or member of trading company, and he doubts his having resided in Middelburg for any considerable time.

²³ On p. ii of the *Waerschouwinge over den Treves* (ed. of ii. + 30 pp., Bibliog., I., No. 22), in the introductory letter to the States of Zeeland, Usselinx implies this.

²⁴ In the memorial of Aug. 15, 1630, Appendix G of the *Mercurius Germaniae*, p. 45 (in Arg. Gust.), and in the unpublished memorial of Feb. 24, 1623, Usselinx relates that, though he had at first encouraged him, Francken at one time, being on his death-bed, sent him word through Roland de Werth, fiscal in Brabant, that if he began on so great a scale he would destroy all; but Usselinx convinced him, and he wished him good luck, and said, "You will carry the work out yet."

declared to know most about the navigation to the East Indies of any whom he found, and by whom in fact the charts used by the first Dutch ships going thither are said to have been drawn.³⁶

Encouraged by these friends, he gave greater publicity to the arguments of his first paper. It was even shown to the States General, and met with so general favor that he was asked to draw up a prospectus, on the basis of which considerable sums were subscribed in Zealand.³⁷ In this (1604) he set forth, first, the evident determination of the Spanish king to drive the Netherlanders out of trade, evinced by his late edict and his addition of 30 per cent. to the toll; second, the desire for trade shown by the natives of some of the newly discovered countries, and the advantages of the same; and also the desirability of converting these natives and preserving them from Papistry. Those who subscribed to the amount of two hundred pounds Flemish (1200 florins) should have a voice in the choice of directors, and then as favorable a charter as possible should be obtained from the States General. Successful as the projector was in Zealand, at Amsterdam the magistrates urged him to delay until Paulus van Caerden should return from his expedition to the coast of Brazil.³⁸ This did not occur till toward the close of 1605.³⁹

³⁶ Wagenaar, *Amsterdamsche Geschiedenissen*, xi., p. 272. Much information concerning his services to cartography is to be found in an article by J. J. Dodt van Flensburg, in Tindaland Swart's *Verhandelingen en Berigten*, v., 1, entitled *Letterkundig verslag van . . . de Verdiensten van P. Plancius omtrent de Zeevaartkunde*. It may be interesting to add that he was one of the prominent opponents of the Brownist refugees (of whom the Pilgrim Fathers in Holland were a part) and that their renegade elder Slade married his daughter. See J. G. de Hoop Scheffer, *De Brownisten te Amsterdam*, in the *Verslagen en Mededeelingen der Kon. Akad. van Wetenschappen*, 2de reeks, deel x., pp. 252 note 1, 275 note 1, 312 and notes.

³⁷ Arg. Gust., p. 51.

³⁸ Van Meteren, 527 b, c. The addition to the toll and the prohibition of trade to Spanish possessions in the Indies were ordained by a decree issued at Valladolid, Feb. 27, 1603. W. J. E. Berg van Dussen *Muilkerk, Bijdragen tot de Geschiedenis onzer Kolonizatie in Noord-Amerika*, in *De Gids*, 1848, ii., p. 532. The florin = 40 cents.

³⁹ Van Rees, ii., p. 77. Berg, *ubi sup.*

Meanwhile Usselinx went about in the province of Holland, advocating his scheme³⁷ with so good effect that, on June 27, 1606, it was taken up and discussed at length in the meeting of the States of Holland. They approved it as "laudable, honorable, and very useful," and appointed a committee of members from a dozen of the cities, one or two from each, (Jan Huyghen van Linschoten was one of those from Enkhuizen), to find out how large subscriptions could be obtained. A form of subscription was provided, which recited that much damage was inflicted on the Netherlanders' commerce by Spain, and that accordingly it was proposed to establish a general company on the model of the East India Company, which should have for twenty or twenty-five years the exclusive right to all trade, except the salt trade, in the regions of Africa and Guinea, from Cape Verde to the Cape of Good Hope, and in those of America between the Strait of Magellan and Terra Nova (Newfoundland), including all islands.³⁸ The committee nominated were charged to bring the affair to a successful conclusion during July and August; François Francken, the friend of Usselinx, was nominated as a special commissioner to oversee the matter. On August 24th, he reported that, while many of the merchants are well disposed toward the company, they prefer to wait until the States General have decided on the patent.³⁹ At the instance of Usselinx, the States of Zealand, in October, sent two commissioners to the Hague with him to confer with a committee on behalf of the States of Holland in regard to the details of the charter. Their united efforts soon resulted in an agreement, except that Enkhuizen and Hoorn dissented in regard to the salt trade;

³⁷ Resolutions of the meeting, which Asher, p. 46, wrongly dates July 27th. The *Registeren der Resolutien van de Heeren Staaten van Holland en West-Vriesland* exist in print, but in 277 vols. folio, not generally attainable. A set is in the *Thysiana Library*, belonging to the University of Leiden, and from it a large body of extracts, mainly selected in accordance with the indications given by Asher, has been transcribed for me under the kind supervision of Dr. W. N. du Rieu, university librarian. My references to the Resolutions of the States of Holland are accordingly derived from these transcripts.

³⁸ Asher, p. 46.

and they produced a draft, not quite satisfactory to Usselinx, which they reported to the States of Holland, and to the States General,⁴² and which was by them submitted to the cities.

The preamble of the draft⁴³ was much the same as that of the preceding subscription. Then followed provisions securing to the new company a monopoly of trade to the regions designated, and giving it the right to form alliances, to make war in defence or in retaliation, to build forts, to maintain its own troops and appoint its own officers, and to advance trade and population in all suitable ways. Their troops were to take an oath of fidelity to Count Maurice and to the States General; their officers might arrest offenders on the high seas; their ships were to be free of all tolls, and, for twenty years, of license duties. The prizes obtained from the common enemy should be set apart to provide ships and pay, but after the end of six years the surplus, whenever it amounted to ten per cent., should be divided, one tenth going to the States, one thirtieth to Count Maurice, and the remainder being distributed proportionately among the shareholders. The States General were to give the company a million florins in five annual instalments, and more afterward if they could, and were to provide sixteen

⁴² Meteren, p. 527 c; Stoppelaar; Arg. Gust., p. 51; a brief unpublished letter to the States of Holland, undated (Hague MSS.); Bibliographical Appendix, II., No. 2.

⁴³ The provisions of the draft are given in Meteren, pp. 527 d, 528 a, b; in Hugo Grotius' *Annales et Historiae de Rebus Belgicis*, p. 506; I have also found them in the *Mercure François* for 1608, pp. 265 b, 268 a. The latter also contains a curious notice of Usselinx, which has apparently escaped observation because of the perversion of his name; it says that the first who opened to the Hollanders the knowledge of the West Indies was "Jean Flessinghe, natif d' Anuers, qui y auoit longuement traffiqué, & qui leur donna à cognoistre par vn Liure qu'il fit, *Lees peuples qui y sont*, [is this the Discourse on the population of the Indies (see note 32)?], *ennemis mortels des Espagnols*, le profit que ces voyages leur apporteroient, & l'ordre qu' ils deuoient y tenir en les saisant."

President de Thou gives the principal facts of Usselinx's efforts, and some details of the plan; (Joannes Vsselingus, he calls him). Jac. Augusti Thuani *Historiarum sui Temporis Pars Quinta*, pp. 1182, 1183. Francofurti, 1621. See note 193.

well-appointed ships and four yachts, to be manned, victualled, and supported by the company, which was itself to provide an equal number. The government of the company was constituted after the model of the East India Company, and indeed somewhat after that of the United Provinces themselves. It was to consist of four local bodies and of a general board. The Amsterdam chamber, which was to possess half the capital, was to consist of thirty directors; that of Zealand, having one fourth the capital, of eighteen; the third and fourth, each having one eighth of the capital and consisting of fifteen directors, were established in the cities on the Maas and in the cities of North Holland respectively. After the first six years, one third of these seventy-eight directors were to go out yearly. The general college or board was to consist of seventeen members, eight of them chosen by the Amsterdam chamber, and the rest, in proportion, from the others; its meetings were to be held for three years in Amsterdam, then for a year and a half in Zealand, then for nine months each in the other two. Ships were, when able, to return to the port whence they had set out. Accounts were to be published every six years, and the company was to exist for thirty-six, during which time no new subscriptions could be received and no stockholders could withdraw. Subscriptions were to be made within the next five months, and paid in four instalments, extended over the next four years. A constitution so closely resembling that of the United Provinces themselves had something of the same tendency to weakness through equilibrium of forces; it was therefore provided that difficulties which the colleges could not themselves resolve should be referred to the Council of State.

Opportunities for dead-lock, and for interminable delays during the process of discussion and referring to principals and referring back, were not the only faults to be found with the charter. To Usselinx himself it was far from satisfactory,⁴⁴ apparently because it seemed arranged principally with a view to warlike operations, while in his intentions,

⁴⁴ Arg. Gust., p. 51.

though about this time he presented to Count Maurice a plan for an attack on Portugal, the fostering of commerce had had the foremost place.⁴⁵ But none the less he, with Francken, went vigorously to work for it, travelling to and fro between North Holland and Zealand.⁴⁶ Many little difficulties were interposed by the cities, especially in regard to the salt trade. But in December the States of Holland, having fully made up their minds in its favor, resolved to urge the States General to issue the charter,⁴⁷ and early in 1607 this was done. Throughout the year, however, difficulties and delays continued, fostered, by means of the rivalries between the cities, by those who wished the war to end.⁴⁸

For meantime, in the spring of this same year, an armistice for eight months, subsequently prolonged, had been concluded with the court of Brussels, and negotiations between the latter and the States General, looking toward the framing of a treaty of peace or a truce of several years, filled the remainder of the year.⁴⁹ At the beginning of February, 1608, commissioners on the part of the archdukes and Spain, France, England, and the United Provinces, met at the Hague, and began to discuss the terms of peace. Great difficulties were in the way. The commissioners of the States, with Oldenbarneveld at their head, insisted that their independence should be fully recognized by Spain, that com-

⁴⁵ Van Rees, ii., pp. 78, 79. His project against Portugal is spoken of in a letter dated Hamburg, Apr. 9, 1641 (Hague MSS.); Bibliography, II., No. 82.

⁴⁶ Letter of Mr. de Stoppelaar, already mentioned.

⁴⁷ Resolutions of the States of Holland and West Friesland, Dec. 6, 1606. I am indebted to Mr. A. Wildschut Az., archivist of Purmerend, for calling my attention to this and several other resolutions not mentioned by Asher. It is interesting to observe that the States of Holland at the same time declared their opinion that the company ought to have a capital of six million florins (\$2,400,000), the sum which was adopted in the charter of 1621.

⁴⁸ Asher, p. 46; Grotius, *Annales*, p. 508.

⁴⁹ For the negotiations preceding the truce, I have used chiefly Cardinal Bentivoglio's *Relacion del Tratado de la Tregua de Flandes*, in the Spanish translation of Don Francisco de Mendoza y Cespedes, *Relaciones del Cardenal Bentivollo*, pp. 91-120. Madrid, 1638.

merce with both East and West Indies should remain perfectly open to them, and refused to reëstablish the Catholic religion. The representatives of the king were equally persistent in opposition upon these three points, but soon consented to recognize the fact of independence, if the Dutch would absolutely renounce all trade to the Indies. After a stormy session, on the 15th of February,⁸⁰ in which they had particularly insisted on this, the pensionary evidently resolved to use the project of the West India Company as a threat, for in the resolutions of the States of Holland on the 18th, that project reappears, and it is resolved to carry it out if the peace negotiations fail⁸¹; and not long after the deputies of the States General called together a meeting of those interested in the West India Company.⁸² But the deputies of the king and the archdukes were not deceived, and finally, so great was the tenacity of both parties, all hope of a permanent peace was given up.

During the negotiations just described, a large number of pamphlets relating to them appeared from the Dutch press, and attracted no small amount of public attention. The seventeenth century was in the Netherlands a great age of political pamphleteering; copies of more than ten thousand such pamphlets of that century are still in existence. In little square quarto form, with quaint titles and black-letter print, they were constantly appearing, for the most part anonymously, and had a great place in the political life of the time. We perhaps owe it to a curious bit of business enterprise that so many, very likely all, of the pamphlets published against the peace during the time of the negotiations have been preserved. Some unknown but enterprising Dutch bookseller, having been asked by a friend to obtain for him all the pieces that had appeared on the negotiations, conceived the idea of making a collection of them, supplying them with a brief preface, and putting the whole

⁸⁰ Motley, *United Netherlands*, iv., p. 443; Berg van Dussen, in *De Gids*, 1848, ii., p. 531.

⁸¹ Resolutions of Holland and W. Fr., Feb. 18, 1608.

⁸² *Meteren*, 553 d.

upon the market as a volume. Such is the origin, as explained in the preface, of the now rare book well known to bibliophiles by the title of *Den Nederlandtschen Bye-Korf*, the Netherlands Beehive.⁵³ It contains nearly forty pieces bearing on the peace with Spain. The quaint preface has the form of a dialogue between a Fleming and a Hollander, wherein the former, finding the latter diligently reading, engages him in conversation by asking him if he has heard any news about the peace, and finds that he is occupied in reading recent publications concerning it. Appreciating their value, and the likelihood that they will soon become difficult to obtain, the Fleming buys successively of the Hollander all the pieces in the collection; a device whereby the publisher is enabled to include in his introduction a table of contents and a price-list.

Among the pieces so enumerated are three by Usselinx.⁵⁴ The first is entitled "Considerations on the State of the United Netherlands, in respect to Navigation, Commerce and general Trade in the same, in case Peace is made with

⁵³ *Den Nederlandtschen Bye-Korf*: Waer in Ghy beschreven vindt al tghene dat nu wtghegaen is op den Stilstant ofte Vrede, etc. For the bibliography of the *Bye-Korf*, see Tiele's *Bibliotheek van Nederl. Pamfletten*, pp. 87-89. I have not thought that my subject required me to take up the bibliography of any parts of the collection but those written by Usselinx.

⁵⁴ Van Meteren, p. 556 b, says that at this time there appeared many patriotic pamphlets against the truce, mostly without author's or publisher's name; but that many were attributed to Willem Uisselinx, of Antwerp, merchant, a very well-informed and experienced man. Dr. Asher, in his *Bibliographical Essay*, pp. 90-92, attributes to him, but without giving any evidence, the *Discours by Forme van Remonstrantye*, the *Onpartydich Discours ofte Handelinghe van de Indien*, the *Waerschouwinghe* or *Memorie van de ghewichtige reden*, the latter appearing also in a French translation, under the title *Sommaire Recueil des Raisons plus importantes*, etc. The first and third are also attributed to him by Van Rees, ii., p. 83. But Tiele has pointed out, *Bibliotheek v. Ned. Pamf.* i, pp. 83-84, Nos. 636-645, that these are identical with three treatises given at length by Van Meteren, at pp. 549 a-553 d, of the edition of 1662, which I have used; and these, Van Meteren says, were caused to be published by the East India Company, the *Onpartydich Discours* being, further, first published in French. Mr. Tiele's conclusion from this, that they are not by Usselinx, is supported by the character of their style, which is very different from his, and by the fact that they are not mentioned with the others in the letter of Oct. 3, 1644.

the Archdukes in the ensuing Negotiations; set forth by a Lover of a just and permanent Peace." One edition of it bears on its title-page a marine view, and the characteristic motto: "Occasio calva est post." The second bears the title: "Further Considerations on the Navigation, Commerce and Trade, as also the Security of the States of the United Netherlands in present Peace-negotiations with the King of Spain and the Archdukes; set forth," etc. The third is called: "Exposition, how necessary, useful and profitable it is to the United Netherlands, to preserve the Freedom of Trading to the West Indies, in the Peace with the King of Spain."⁶⁶

The first two are dated 1608. The first, the *Bedenckingen*, written perhaps at Middelburg,⁶⁶ seems according to its title, to have appeared in January or February of that year; the second, the *Naerder Bedenckingen*, must have appeared at some time between that and June; the third, *Vertoogh*, between the beginning of March and the middle of August.⁶⁷ The first two have a common purpose. It is

⁶⁶ *Bedenckingen Over den Staet vande vereenichde Nederlanden*, etc.; *Naerder Bedenckingen Over de Zee-vaerdt*, etc.; *Vertoogh, hoe nootwendich*, etc. For full titles, etc., see Bibliographical Appendix, I., Nos. 1-7. Usselinx himself declares all three to be his in the *Memorie aenwysende* of Oct. 3, 1644, *Bibliog.*, II., No. 88. (Van Rees, ii., p. 462, has, for the second, "voorder bedenckinge," the copy at Albany, "naerder bedenckinge," which must be the true reading.) Furthermore he, at p. 51 of the *Argonautica Gustaviana*, acknowledges the authorship of the *Vertoogh*, and in the latter speaks of two preceding discourses of his in such phrases as plainly identify them with the *Bedenckingen* and *Naerder Bedenckingen*. Add to this the statement of Van Meteren, who summarizes the three, pp. 556 b-558 a. Previously to the publication of these three he had also, according to his memorial of Oct. 3, 1644, in Van Rees, ii., p. 462, written a remonstrance which he addressed to Count Maurice. The annotated sale-catalogue of Mr. Murphy's library is in error in saying that the *Vertoogh* "is the original of the *Excellent Discourse*, printed in the rare English edition of Jacques Le Hermite's relation, 4to, 1625." Through the kindness of Mrs. John Carter Brown, and of J. Nicholas Brown, Esq., I have had an opportunity to examine the edition mentioned, and find that the *Excellent Discourse* is an English translation of the *Voortganck van de West Indische Compagnie*, 1623, a pamphlet in all probability not written by Usselinx; see *post*, note 132.

⁶⁷ P. 2, "hier tot Middelburch."

⁶⁸ The former limit for the *Naerder Bedenckingen* is fixed by its title, perhaps also by what seems to be a reference, on page 12, to the treaty whereby

to influence the negotiators on behalf of the United Provinces to make the most earnest efforts to secure to their brethren in the southern provinces some portion of the liberties which they themselves had acquired, and indeed to make the concession of such liberties an indispensable condition of the peace. They are warm-hearted, eloquent, and ingenious appeals, full of patriotism and public spirit, and exhibit their author at his best. It is worth while to summarize their arguments.

The argument of the Bedenckingen is, first, that by reason of the peace the commerce of the northern provinces is certain to decline greatly, and the exiles from the southern provinces are certain to return thither. The former thesis he supports with arguments that show great familiarity with the condition of trade. The southern provinces, he says, in spite of their distresses, still have better commercial connections with the rest of Europe than the northern cities have yet managed to acquire. The ingenuity and industry of their population make them superior, not only to the northern Netherlanders but to all others, in respect to manufacturing; and he gives curious instances to show that they can also sell their manufactures to better advantage. Other things equal, it is, he says, much more likely that trade from France and the Mediterranean will go to Antwerp than to Holland, and no efforts to close the Scheldt will avail against

France promised assistance if the war went on; the latter limit by the statement on page 29 that the Spaniards attacked the Grisons "this last summer." For the uprising in the Grisons, backed by Spanish influence, occurred in the summer of 1607; J. Hunziker, *Henri IV., les Suisses et la Haute Italie*, *Rev. Hist.*, xxiii., pp. 359-371. Hence this pamphlet must have been written before the summer of 1608, and probably before June 17th, when, according to Van Meteren, the negotiations came, for a time, to an end. That the *Vertoogh* was written after the beginning of March, is plain from its reference on p. 5, to the "submitted articles," the three alternative propositions which the States' envoys at that time (Motley, iv., p. 448), laid before the other party; while any piece included in the *Bye-Korf* must have been published before Aug. 27, 1608, the date of the States' resolution forbidding its sale, Tiele, i., p. 89. I am not able to explain the statement of the *Vertoogh*, p. 10, that the treaty allows the Netherlands to trade to any place which Spain has not occupied; this arrangement is generally said to have appeared first at a late stage of the next year's negotiations.

this natural tendency. This shifting of trade will cause a shifting of population, the merchants flocking where gain is to be made ; only the closing of the southern provinces by war brought trade to the north. Already Antwerp is recovering and houses are going up there. Since, therefore, the return of the exiles is inevitable, it behoves the States General to send them back well-disposed to their northern brethren and not impressed with the belief that these wage war for themselves only. To secure this result let the States insist that religious freedom be established in the provinces under the archdukes, that all religious innovations, the Inquisition, the Jesuits, the Capuchins, the new bishops, the foreign soldiers, the Castilian officials, be removed, that all men be given all the rights and privileges of citizens, without distinction of religion and that the Protestants have support for their preachers and temples, and the right to garrison certain cities as a security. If not, let the war be continued. And, indeed, there is no security for the observance of the peace by the government of the southern provinces, until the exiles are restored to a share in it. And this, the author says in conclusion, is no more than right ; these have at every turn assisted in winning our successes ; shall they have only loss, and we have all the gains ?

All this is said in the plain and simple style of a merchant, but with much force and cogency. The style of the *Naerder Bedenckingen* has more color and picturesqueness, with much quotation of Scripture and many quaint and telling proverbs. So far as such qualities are concerned, it is the best of Usselinx's writings ; its beginning may well enough be quoted as a specimen of his style :

"As in an ordinary fire," he says, "not only those are helpful in extinguishing, who give directions, pour water, protect the adjoining structures, by means of which the fire might run farther, but also those who cry 'Fire!' ring the bell, bring water or show where it is most readily to be obtained, and also especially those who, discovering from the smell and smoke where the fire is beginning, make it known to those who have the power to extinguish it ; and as also it

is not fitting that any one who sees the common peril should, careless thereof, remain at his house, fancying that those whose office it is to extinguish the fire are so well acquainted with all and so well aware of the danger, that they have no need of help from him or from any other people, but, on the contrary, every one ought to run to see whether he can be of any service or help there; so to me also it has seemed unreasonable that I, in this general conflagration of my Fatherland, should not run, to swell with my hoarse voice the voice of those crying, to add my bucket of water to their great ocean, with my testimony to confirm their testimony of the danger, that, in such a case, where one cries, 'The greatest danger is here,' and another cries, 'It is there,' the firemen may be the better assured where the chief danger is, and, knowing the same, may flock thither to avert the common evil."

With this purpose in view, he has prepared the second discourse, the argument of which he himself summarizes as follows⁵⁸:

"i. That by reason of the peace commerce will greatly decline, the emigrants will return, and consequently this state will be much weakened, and the enemy much strengthened.

"ij. That by the peace no security, advantage, or safety will be gained for this state, with the subject provinces remaining in the state in which they now are.

"iij. That the greatest security lies in winning the hearts of the [southern] Netherlands, which can be secured, if their privileges and freedom be protected.

"iiij. That this may justly be, and ought to be, attempted, and, these being refused by the enemy, no peace ought to be made.

"v. Lastly, if the enemy refuse this, whether these provinces still have means to sustain the war longer."

It will be seen that the first part of his argument is the same as that of the *Bedenckingen*. But he treats the first point with a greater wealth of detailed facts in corroboration,

⁵⁸ *Naerder Bedenckingen*, p. 2.

and declares that the state of the northern Netherlands will be like that of Nineveh in the prophecy of Nahum, iii., 16. ("Thou hast multiplied thy merchants above the stars of heaven; the canker-worm spoileth, and flieth away.") In treating of the second point, he exhibits in the strongest way his hatred and distrust of the enemy. Indeed, to the end of his life he was a most "hot Gospeller," and hated Spain and Papistry in a way that would have done credit to Salvation Yeo,—and a Remonstrant scarcely less. It is a certainty, he says, that the archdukes will not keep faith with heretics; "against which the royal Agreement will be of as much help as the tinkling of their bells against thunder, the sprinkling of holy water against the Devil, or the bulls of their Father the Pope against hell." "The army will have to be kept up to guard against them, neighboring princes will help less than in times of war, and meanwhile the southern provinces will be growing reconciled to them and hostile to us who have deserted them. To avert this the States should secure for them the privileges already mentioned; this is the only godly, honorable, laudable, and profitable course. They should help those who have helped them, both as a matter of justice and in observance of the Golden Rule, and this even to the renewing of war.

The fifth point he does not attempt to discuss statistically, but points out some considerations as to the comparative resources of the two powers, and suggests some additional means of success, such as those manifested by the recent naval victories, and those afforded by the establishment of colonies; and so makes an end, "praying the Almighty God and Father that He for the sake of the merits of His Son our Lord Jesus Christ, will through His Holy Spirit so work in the hearts of all good Netherlanders that they shall not in this perilous time bury the talent given them, but show the same and let it be put to use, and that He so endow our Christian hierarchy with the spirit of wisdom and judgment that they, being well informed of all, balancing the reasons on both sides, may make a just decision between the two opinions,

⁹⁹ Naerder Bedenckingen, p. 10.

and that they thus choosing the good counsel of the elders may reject the evil counsel of Rehoboam's young counsellors, that thus His holy name may be praised, His church and people established, and that we may finally obtain a desirable and happy peace. Amen."

It could hardly be expected that the archdukes should make such concessions as Usselinx urges. It is plain, too, and subsequent events showed it, that he exaggerated the extent to which the exiles would return, and the damage which would thereby be inflicted upon the northern provinces, underestimating the strength of the hold which the latter already had upon the trade of the world and the resources which they had of themselves, quite apart from, and anterior to, their reinforcement through the immigration of the exiles.⁶⁰ The warmth of his patriotism had clouded a judgment which, in commercial matters, was singularly clear and well-informed. It was not unnatural, therefore, that his efforts should be unsuccessful. The negotiations had not proceeded far before it was evident to all that the States' commissioners were not likely to insist on any such terms.

The third pamphlet, the *Vertoogh*, refers, therefore, to a quite different phase of the negotiations.⁶¹ Accepting the fact that those securities for peace and prosperity, which were urged in the first two discourses, are not to be obtained, the author turns with undaunted resolution to consider whether there are not other means whereby the Netherlands may secure themselves. Since it is trade

⁶⁰ Van Rees, *Geschiedenis der Staathuishoudkunde in Nederland tot het Einde der achttiende Eeuw*, ii., pp. 85-87. For matters of economic history I have most commonly used this work, and always with increasing admiration for its solidity and trustworthiness. I have made somewhat less frequent use for such points of Prof. Étienne Laspeyres' *Geschichte der volkswirtschaftlichen Anschauungen der Niederländer zur Zeit der Republik*, No. XI. of the *Preisschriften* of the Fürstlich Jablonowski'sche Gesellschaft of Leipzig. See pp. 61-64 of this latter.

⁶¹ Professor van Rees, ii., pp. 88-95, has given copious extracts from this pamphlet; attention ought, however, to be called to one serious mistake in his text; the passage of seven lines; beginning "*twelck in tijt van Vrede*," p. 90, last line, really belongs after the first extract on p. 91.

which most supports them, they must by all means foster commerce and navigation, especially by securing to navigators some voyages on which they can go with more profit than can the subjects of the enemy. These can now be found only in the direction of the Indies; and Spain, he thinks, will have much success in undermining that to the East Indies. Accordingly, he devotes the present discourse principally to a discussion of the West India trade, endeavoring to show wherein consists the wealth to be obtained from it, how the Netherlanders can get a share of it, and of what advantage it will be to them. If not in itself so vigorous and enthusiastic as the first two, it has an additional interest as being more exactly in the line in which the principal efforts of his life and those which give him importance in history were directed.

He declares, in the first place, that the gain to be derived from the West Indies lies not in silver and gold, but in the natural products of those regions, and of this he gives illustrations, urging also that they might, under another economic system, become a much better market for European manufactures than now, with a population of slaves who require nothing. Most of the gain is to come from merchandise, and the best means to obtain it is to establish colonies and further the project of the West India Company, which can be done better and with less capital in time of peace than during war. A variant from his original plan here appears, however; "or," he says, "that the Lords States should themselves take this matter in hand, which, in my judgment, would be the best, and that every one in these provinces should be allowed to trade thither with passports; and that the provinces should have there a toll of five or of ten per cent., as might be best for the interests of themselves and of the common weal."⁸³ After proposing this remarkable modification of his original project, he goes on to exhibit how much of the western continent still remains unoccupied by Spain, and how easily and rapidly another power can gain a foothold there and reap those commercial advantages

⁸³ Vertoogh, p. 10.

which colonies bring; the better to secure these, the colonists should be forbidden to manufacture, or to trade with any but the mother country. Among these advantages would be not only that of drawing population and prosperity to the Netherlands, but also the undermining of the Spanish power in those regions, a power far from being perfectly secure.

Next the writer proceeds to controvert successively, with arguments most interesting to the student of economics, but too detailed for insertion here, the objections that the United Netherlands have no population to spare for such enterprises; that those countries are too hot for Europeans to work in, and competition with the slave labor of the Spaniards will, therefore, be impossible; and that when the Netherlands had incurred the expense and risk and done the work, other nations would take the benefits. In his answer to the first, it is interesting to see that his eye is already turned toward the north of Europe as a source whence colonists may be drawn. The discussion concerning slave labor is remarkable for its clear perception of the economic disadvantages of slavery."

Thus is the West India trade exhibited as the means upon which the United Netherlands must rely for their preservation. Rather than give up the trade to the Indies, as Spain demands, it were better to continue the war, with all its losses and burdens. "What shall it avail us that our towns are rich, our houses well built and expensively furnished, if others shall possess them, and we must be exiles in foreign lands? What, again, shall the richness of our hospitals and other foundations avail us, while we in foreign lands shall die in misery in the woods, the fields and streets? Again, what shall it avail us that we have means to leave our children a good inheritance, and support our wives and daughters well and finely, if strangers shall have their inheritance, and

⁶⁸ Vertoogh, p. 17. Dr. Asher has transcribed this passage, *Bibliographical Essay*, pp. 80, 81. I may say here that, highly as I am inclined to rate these pamphlets, I think Dr. Asher is somewhat too enthusiastic in his description of them.

Papists, monks and Spaniards and other ruffians, violate them, as we in this long war have often seen? Finally, what shall it help us that we have fought so manfully and steadfastly for the Fatherland, and gained eternal fame, if we now by a dishonorable, unprofitable and oppressive treaty lose the same and freedom too, and become an object of scorn before all the world, because, having a good opportunity for strengthening ourselves and gaining complete deliverance, we have lost both this opportunity and our rights?"⁶⁴

Such were the appeals which Usselinx addressed to his countrymen, north and south, in respect to the peace negotiations. It is plain that we have to do with no ordinary pamphleteer. The *Vertoogh*, in particular, is one of the best Dutch economic pamphlets of the seventeenth century.⁶⁵ But though the three discourses vindicated for their writer a high place among the more liberal mercantilists, they failed to obtain their immediate object. On the 27th of August, 1608, after the peace negotiations had once been peremptorily ended by the States General, the French and English ambassadors formally proposed to them and urged upon them the opening of negotiations for a truce.⁶⁶ It is significant that on that very same day the States of Holland forbade the printing, buying, and selling, on penalty of a fine of one hundred florins, of certain "defamatory writings, unprofitable to the United Netherlands, and the good inhabitants of the same." Most of the *Bye-Korf* fell thus under ban, and the *Naerder Bedenckingen* was especially mentioned.⁶⁷ The negotiations thus decisively resolved on were prosecuted during the winter,⁶⁸ and in the next spring the

⁶⁴ *Vertoogh*, p. 19.

⁶⁵ I am quoting the judgment of Professor van Rees, ii., p. 95.

⁶⁶ Motley, *United Netherlands*, iv., 467.

⁶⁷ Van Rees, ii., p. 81, notes 2 and 3.

⁶⁸ Asher, *Henry Hudson the Navigator*, p. 253, says that Usselinx is most probably the person with whom President Jeannin, the French ambassador, says, in his letter of Jan. 25, 1609, to the king, that he conferred on these matters. And in the table on p. ccii., he assumes this. I do not see, however, that Jeannin speaks in particular of conference with any one person. What

famous Twelve Years' Truce was concluded, and signed on June 17, 1609.

Usselinx was always of the opinion, though, as has already been intimated, the contrary view seems now preferable, that the prospect that the West India Company would be successfully erected was one of the main reasons why Spain consented to make a truce. Years after, in a letter to the States General, he relates that Karel van Krakau, Dutch resident at the Sound (*i. e.* Elsinore), had told him that when he was in Spain the Duke of Lerma asked him whether the Netherlanders were likely to establish the West India Company, and on being told that they were, had said: "I shall certainly prevent it; we shall rather conclude a truce!" Again at Brussels, he said, the Archduke Albert had asked him how great a sum the Hollanders would probably be able to get together for the company, and on hearing his estimate, had said: "Is it possible? Then we had better make peace." On the other hand, Usselinx afterward asserted that, on the side of the Netherlands, his representations and efforts succeeded in delaying for eight months their making a truce, though unable quite to prevent it.⁶⁹

Although by the terms of the truce the trade to such places in the Indies as Spain did not possess had been left open,

he says is, "J'ai eu plusieurs conférences avec d'autres, soit pour les voyages des Indes d' Orient ou d' Occident, . . . mais, quant aux Indes d' Occident, ils tiennent tous qu'il y faut employer un plus grand appareil de forces. Il est vrai que le voyage est aussi beaucoup plus court, et ceux qui ont quelque connoissance des entreprises qu' on y peut dresser, en promettent tout bon succès, dont ils discourent avec de si bonnes raisons qu'il y a sujet d'y ajouter foi." *Négociations du Président Jeannin*, vol. v., p. 147, (vol. xv. of *Petitot*.)

⁶⁹ The latter statement is in a Memorial Van 't gene noodich is, om te komen tot een eyndlyck Slot vande Suyder Compagnie, written to Oxenstjerna from Stralsund, Nov. 9, 1635, *Bibliography*, II., No. 62, (Stockholm MSS.); the former in *Politiiq Discours*, p. 8, and in a letter to the States General dated Hamburg, Oct. 25, 1639, (*Bibliog.*, II., No. 79). Krakau was Commissary of the States at Elsinore previously to 1632, and was then made their resident in Denmark. Kong Christian den Fjerdes egenhaendige Breve, ed. Bricka and Fredericia, i., p. 32, n.; Schybergson, *Sveriges och Hollands diplomatiska Förbindelser, 1621-1630*, No. 36 of the *Bidrag till Kännedom af Finlands Natur och Folk*, utgifna af Finska Vetenskaps-Societeten, pp. 459, 463.

the general impression in the Netherlands was that nothing of consequence could be accomplished in the West Indies in time of peace. Usselinx, however, though hindered by this general apathy, continued to labor in behalf of the company.⁷⁰ With the approval of Count Maurice he began going about among the cities of Holland and Zealand for this object; and the States of the latter province instructed their deputies at the Hague to forward his designs.⁷¹ Up to this time he had not been permanently settled in any place, nor had he, apparently, permanently invested his property, probably wishing to keep his capital available in order to become a principal shareholder in the West India Company.⁷² But now, perhaps because the realization of that scheme began to seem remote even to his sanguine mind, he took the step, an important one, as it proved, of investing a large part of his property in one of those great engineering enterprises by which, in the old phrase, the Dutch have taken Holland; namely, in the draining of the Beemster, in North Holland.

III.—THE BEEMSTER.⁷³

Mais le desseichement des palus qui doute, qu' il ne tende à l'agriculture, qu'à de terres inutiles on en fait de beaux champs laboursables, ou prairie de grand rapport.—J. J. SCALIGER, *Discours de la jonction des Mers*, etc., *Opuscula*, 1612.

During their centuries of brave and patient conflict with the sea, the men of Holland and Zealand had not contented themselves with waging merely a defensive warfare. Little by little they had advanced Terminus against an enemy more terrible than the Spaniards, gaining lands which their surpassing industry knew how to make valuable, and experi-

⁷⁰ *Memorie aenwysende*, in Van Rees, ii., App. xiv., p. 462.

⁷¹ *Summarische Erzählung*, in Arg. Gust., p. 51.

⁷² Mr. de Stoppelaar's letter.

⁷³ For the history of the draining of the Beemster, my authority has been J. Bouman, *Bedijking, Opkomst, en Bloei van de Beemster*, Purmerend, 1857. I have also used the chapters bearing upon the subject in the monumental work of Mr. G. de Vries Az., *Het Dijks- en Molenbestuur in Holland's Noorderkwartier*, *Verhandelingen der Koninklijke Akademie van Wetenschappen*, afd. Letterk., deel x., especially pp. 397-473.

ence which made them the foremost hydraulic engineers in the world. The skill so acquired they, already in the fifteenth century, began to apply to interior waters also, draining lakes and reclaiming fertile tracts. Some twelve thousand acres of land had thus been reclaimed in North Holland alone during the period preceding the truce.¹⁴ Of the bodies of water still remaining in that quarter, by far the greatest was the Beemster, which, from a sluggish stream, had, since the early part of the middle ages, grown into a lake of seven thousand acres in extent, touching the city of Purmerend with its southeastern border, and extending far on the northeast toward Hoorn and on the northwest toward Alkmaar. The dangers and losses arising from its gradual increase, and the gain of fertile land which might be made from it, had earlier caused plans for its drainage; but it was in 1607 that a company was first formed to carry it out.

The wealth and prosperity which the war had brought made the first half of the seventeenth century a period of great activity in such operations. Indeed, much of the money first subscribed for those at the Beemster is said to have come directly from the Spanish Armada, having been contributed by the sons-in-law of Pieter Pikmans, an enterprising ship-master of Hoorn, who had enriched himself by raising treasure from the sunken Spanish galleons off the coast of Ireland.¹⁵ However this may be, in 1607 a number of prominent Hollanders, largely merchants of Amsterdam, obtained from the States of Holland a charter permitting them to drain the Beemster and possess the land so acquired. The next year a beginning was made, but in 1610 the sea broke through, and the work of the windmills had to be begun again. Usselinx was not one of the original subscribers, but now, with characteristic public spirit and enthusiasm, came forward to assist the scheme when it seemed likely to halt, and contributed by his own subscription and those of friends persuaded by him one fourth of the whole sum necessary¹⁶; and the work was attacked so zealously

¹⁴ Tables in Bouman, pp. 21-23.

¹⁵ Bouman, pp. 30, 31.

¹⁶ Mr. Bouman in the *Navorscher*, ix., p. 165, copies from which were

that by July, 1612, the Beemster was dry land. Usselinx's share was a considerable one, amounting to about one fourteenth of the entire stock, and representing an investment of perhaps 130,000 florins⁷⁷; and at once he was chosen one of the four superintendents of the largest of the four divisions.⁷⁸

Here, then, at least until 1617,⁷⁹ in the little village planted in the midst of what was once the great lake, the colonial projector resided some part of the time. Only a part, however, for not only did he himself carry out another draining enterprise, the draining of the lake at Soetermeer, in South Holland,⁸⁰ but his efforts for the West India Company were not given up. The opposition of the peace party was still felt at every turn, and the astute advocate urged upon him the necessity of including in his company the merchants engaged in the Guinea trade. There was little likelihood of his succeeding in this, for both Oldenbarneveld and Count Maurice had just before failed to persuade the Guinea merchants to unite.⁸¹ But though it cost him a

kindly sent me by Mr. Frederik Muller, of Amsterdam, says that his name does not appear at the Beemster until 1612. The statement of the text is based on his own declaration in the *Memorie aenwysende*, in Van Rees, ii., App. xiv., p. 470. In an unpublished letter of June 15, 1622, to the States General (Murphy MSS. at Albany, B. 1: 9, p. 52), he seems, doubtless on account of this reinforcement, to claim the entire credit of the operations; for he enumerates, among his services to the state, the addition of 18,000 gemeten (18,150 acres) of land to Holland.

⁷⁷ 526 morgen out of 7,576 morgen of cultivable land of stockholders; *Memorie aenwysende*, Van Rees, ii., p. 469; Bouman, p. 260. From Art. 35 of the conditions of allotment, Bouman, p. 296, and from the table on p. 264, the price may be estimated at 250 florins (\$100) per morgen, the morgen being about two acres; the value of money was, of course, several times as great as now.

⁷⁸ In the list of shareholders, dated July 30, 1612, on pp. 299-303 of Bouman, Usselinx is named as having the office of *opperpoldermeester*. On November 1st he was elected one of the superintendents of the middle polder. Bouman, p. 135.

⁷⁹ In the Resolutions of Holland and West Friesland, April 15, 1617, he is called "Willem Usselingh, Koopman, als nu woonende in de Beemster."

⁸⁰ *Memorie aenwysende*, in Van Rees, ii., p. 470.

⁸¹ *Id.*, p. 462; unpublished memorial of February 24, 1623 (Hague MSS.), Bibliog., II., No. 17.

year's labor at Amsterdam, he succeeded. Then, feeling success to be not far off, he wrote to the States of Holland, who, on the 25th of August, 1614, took the matter up once more, appointed a committee upon it, prepared a plan by which the States General might combine the Guinea trade with it, and considered some difficulties in regard to the charter, especially those raised by the East India Company.⁸² Next day the States General themselves resolved "to summon Johan Eusselinx, merchant at Amsterdam, to assist in the matter of the West India Company."⁸³ A committee was appointed to hear him by the States of Holland; after a two hours' conference, the advocate himself sent him word "that the gentlemen had had much satisfaction in what he had told them," and he was requested to draw up a memorial to the States General.⁸⁴ Conferences with a committee of the latter ensued,⁸⁵ and a new charter was prepared.⁸⁶ But the States of Holland, soon after, concluded to let the matter wait still longer, and again the projector's hopes were dashed.

For nearly two years and a half nothing was accomplished in the matter of the company, though toward the end of 1616 Usselinx sent in a request to the States of Holland, offering to show: "1. That these United Provinces would by this company be more strengthened and secured against the King of Spain than in any other way by all their revenue; 2. That during the truce they might obtain thence more wealth than the King of Spain now did; 3. How, if the King of Spain attempts to make war, we may hold what

⁸² Resolutions of Holland and West Friesland, August 25, 1614. Asher, p. 48, wrongly conjectures this to refer to the Block Company.

⁸³ Resolutions of the States General, August 26, 1614. I quote the resolutions of their High Mightinesses, in most cases, from the copies of extracts relating to Usselinx among the Murphy MSS. at Albany; those I have myself obtained are designated thus: (Hague MSS).

⁸⁴ Summarische Erzelung, in Arg. Gust., pp. 51, 52; Memorial of February 24, 1623 (Bibliog., II., No. 17).

⁸⁵ Mr. de Stoppelaar, in the letter to Mr. Bodel Nyenhuis already mentioned, states, from reports in the archives of Middelburg, that the committee of the States General was occupied with the matter from August 29th to September 12th; on the 10th Usselinx was present.

we have conquered and take from him what he possesses ;
4. The means readily to obtain ten millions for this purpose ;
5. That all inhabitants of these provinces would derive advantage therefrom.”⁸⁶

But meanwhile a great calamity befell the projector himself, which gave a different turn to all his subsequent history. Usselinx became financially embarrassed with respect to his property at the Beemster, and finally suffered great pecuniary losses. He himself alleges that there had been several bad years at the Beemster, but this does not seem to have been the case. The principal owners and officers of that district, in a petition sent to the States of Holland the next spring, attribute his misfortunes to his own bad management and inexperience in cultivation. Whatever may have been the cause, his losses compelled him to borrow at high rates of interest, and finally to fall quite into the power of his creditors. He was obliged to go into bankruptcy, and, though at first the court of the Beemster gave him an extension of time, perhaps because it was composed of his associates there, was even compelled to find personal security besides that of his real estate, though he declares the latter to have been worth four times the amount of his debts, which seems to have been at least 153,000 florins. Five hundred and twenty-six morgen of valuable land at the Beemster (which Sir William Temple thought to be “the richest soil of the province” in his time), with eight houses and much live-stock and goods, eighty morgen at Soetermeer, and some six thousand pounds Flemish (36,000 florins) of shares in the East India Company, ought, one would think, to have been a property sufficient to warrant the court in giving the usual time to get sureties ; but even this was refused.⁸⁷

⁸⁶ This is his own summary given in the *Memorie aenwysende*, Van Rees, ii., p. 463 ; the five points at a little greater length in the *Summarische Erzehlung*, Arg. Gust., p. 52, and *Mercurius Germaniae*, p. 42, App. G, letter of Aug. 15, 1630.

⁸⁷ *Memorie aenwysende*, Van Rees, ii., pp. 469, 470 ; the date 1616 is given on p. 473. On the character of the preceding seasons at the Beemster, Bouman, pp. 141, 142, 152, 162. On the court, Bouman, pp. 166-168, De

We must no doubt make some allowance from Usselinx's accounts of the injustice to which he was subjected ; yet it seems after all impossible wholly to reject the explanation which he himself gives of the obstacles and disasters he encountered, culminating in a forced sale of his land, whereby he lost, according to his own account, 300,000 florins.⁸⁸ He attributes all this to the machinations of the enemies of the company, including the Guinea merchants, and the peace party generally, with the advocate Oldenbarneveld at their head. Since he alone was at this time doing any thing to forward the project, they seized the opportunity of his pecuniary difficulties to break down his credit and drive him from the field, and especially tried to prevent his obtaining from the States of Holland a safe-conduct which would enable him, unmolested by his creditors, to prosecute his great design.

When they found that no obstacles availed against his determination, they tried, through a merchant of Amsterdam, named Goovart van Schoonhoven, to buy him off. They offered to buy in his lands or satisfy his creditors for him, lending him the money for a small rent or low rate of interest, and giving him five or six years in which to repay them, on condition that he should remain at the Beemster and trouble himself no more about the West India Company. Either at this time or a little later the government at Brussels also attempted to make terms with him ; a Spanish priest named Don Pedro, who went on secret missions ("schemes of villainy," Usselinx briefly terms them) between Brussels, the Hague, and Amsterdam, made him great promises if he would desist, and still more if he would come over to the Spanish side ; similar proposals were again made

Vries, *Dijk- en Molenbestuur*, p. 469. The amount of his debts to creditors at Amsterdam is stated at 153,000 florins in the Resolutions of Holland and West Friesland, April 15, 1617, (adopting Professor van Rees's explanation of this, ii., p. 103, n. 3, rather than that of Mr. Berg van Dussen Muilkerk, in *De Gids*, 1848, ii., p. 548). Sir William Temple's Works, ed. 1731, vol. 1 ; *Observations upon the United Provinces of the Netherlands*, p. 45.

⁸⁸ *Mercurius Germaniae*, p. 44 ; App. G, letter of Aug. 15, 1630 ; in *Arg. Gust.*

by a certain Jesuit. And when all this proved unavailing, the government at Brussels, as he learned, and as Isaac Massa of Haarlem afterward assured him, set a price upon his life.⁸⁹ The grounds of Oldenbarneveld's opposition were stated plainly by himself at the time of his famous trial in 1618. In reply to the question, why he paid no attention to the representations often made to him in behalf of the West India Company, he answered that he was approached by scarcely any supporters of it except two—Francken, who spoke of it chiefly as a means of damaging the Spanish naval forces, and in subsequent years Willem Usselinx, who represented its advantages as to trade,—and that, though he broached the matter at the meeting of the States of Holland, he could not think either the person proposing or the thing proposed acceptable, the person owing many thousands more than he could pay, and the trade being very uncertain. Many times during the war, he adds, he was well-disposed to the chartering of such a company, especially for providing salt; but after the conclusion of the truce he did not see how it could be done without giving new cause of war, which (under reverence and correction) he thought it behoved the Netherlanders not to do, nor to lay themselves open to dangerous reprisals from the king of Spain.⁹⁰

It is necessary to have in mind these elements of opposition before taking up the history of the efforts of Usselinx during the next two or three years, as otherwise, even with all allowance for Dutch caution and for the slowness with

⁸⁹ *Memorie aenwysende*, in Van Rees, ii., pp. 469-471. *Mercurius Germaniae*, p. 44. Undated letter (1641 or 1642) to Oxenstjerna (Stockholm MSS.); *Bibliog.*, II., No. 83. Since he says that Don Pedro's efforts were suggested by the prince of Portugal, their date is fixed as of about this time; for it appears from Groen van Prinsterer, *Archives*, ii., pp. 406, 491, that Don Emanuel's stay at Brussels occurred between December, 1615, and February, 1617. Isaac Massa was a prominent merchant who had lived much in Russia. *Hist. Zeitschr.*, xiv., p. 247; Droysen, *Gustaf Adolf*, i., p. 86.

⁹⁰ *Verhooren van Johan van Oldenbarnevelt*, in the *Berigten of the Historisch Genootschap te Utrecht*, ii., 2, pp. 72-75; qu. 101 (Nov. 22, 1618). For Usselinx's views of the advocate's conduct, *Memorie aenwysende* of Oct. 3, 1644, in Van Rees, ii., pp. 462, 469, and the *Anhang of the Auszföhrlicher Bericht*, Arg. Gust., p. 46.

which the governmental machinery of the United Provinces naturally moved, it will not always be plain why he had so little success. From the time of his bankruptcy, too, his position is entirely changed. He is no longer able, as a successful and prosperous merchant, to urge his scheme upon the rulers with a feeling of independence and disinterestedness. From this time forward he appears before them as a needy adventurer, disinterested indeed as long as he can afford to be, but with difficulty commanding their attention, and wearying unwilling ears with incessant repetition of arguments unsupported by personal consequence and standing in the community. It was five months before his memorial to the States of Holland was read. Meanwhile he was compelled to obtain from them *sureté de corps* for six months, in order to be exempt from arrest by his creditors while working for the company; his request to have the same continued for four years was refused.⁹¹

IV.—THE CHARTER OF THE WEST INDIA COMPANY.

Deselve [verschillen] meest spruyten vuyt de verscheyden oochmercken die d' een en d' ander heeft gehadt in 't stellen van de voors. concepten, gelyck een yder die deselve leest daervuyt lichtelyck sal connen oordeelen.—USSELINX, Corte aenwysinge, 1620.

When the memorial of 1616 finally secured a hearing, it was referred to the States General, who appointed a committee, of which the advocate afterward became a member, to consider the matter. Usselinx set before them in a book a full discussion of the West India trade and of his plan, and believing that he had fully convinced them all, even including the advocate, made a hurried journey

⁹¹ Resolutions of Holland and West Friesland, Feb. 25 (this refers to a continuation; but I do not find a previous grant), April 15, 1617. In the *Memorie aenwysende*, p. 470, speaking of an occasion when *sureté* was refused him, he says it was refused in spite of his creditors' joining in the request, "to the great surprise of all who did not understand the ground of this refusal." This instance of April 15, 1617, is the only instance of refusal that I know of, and here his creditors certainly opposed his petition. But the *Memorie* was written in 1644.

to Amsterdam, where one of the burgomasters sent him word that they had no time to hear him, but hoped he would do all he could at the Hague. When the committee came to report, the deputies of Holland declared that they saw no advantage in bringing the country to such expense, and that the said Eusselincx might well go away ; but the members from the other provinces, who were, as already explained, mostly of the opposite party, preferred to go on. To aid this, Usselinx prepared and presented to their High Mightinesses an elaborate paper, intended not only to support the positions he had already taken, but also to show "how the revenue of the country might by these means be so increased that the people should be relieved from all extraordinary burdens without diminishing the income of the State." It was referred to the States of Holland, who would not read it. Perhaps because his *sureté de corps* in Holland had expired, he now, at the end of 1617, repaired to Zealand, first sending copies of his request of 1616 and of his recent memorial to the advocate, to the Ridderschap or College of Knights, and to each city in Holland.⁹²

The year 1618 was an eventful one in the United Netherlands. As the truce drew near its end, the violence of party hatred, the mutual distrust of Maurice and Oldenbarneveld, grew more and more pronounced. The violent religious dissensions between the Arminians or Remonstrants and the Calvinists or Contra-Remonstrants, in regard to the dogma of predestination, assuming a political character because of the opposite doctrines of the two in regard to the rightful

⁹² *Memorie aenwysende*, in Van Rees, ii., p. 463 ; *Summarische Erzehlung*, Arg. Gust., p. 52 ; letter of Aug. 15, 1630, in *Mercurius Germaniae*, p. 42 ; Resolutions of the States General, June 24, Aug. 8, Sept. 9, 27, Oct. 2, Dec. 16, 1617 ; and a brief memorial to the States of Holland, undated, but of near the end of 1617 (Bibliog., II., No. 2), one of about the same time (Sept.) to the States General (Bibliog., II., No. 1), and a long memorial of Feb. 24, 1623 (Bibliog., II., No. 17) (Hague MSS.). In the next to the last (as is also shown by the resolution of October 2d), he requests the States General to take him into their service for this business. If the book spoken of by him, as above, was a printed one, it is at any rate not to be found in Tiele or Van der Wulp.

relations of church and state, furnished an additional ground of difference to the two great parties, already divided upon so many other grounds. The Calvinist party was practically identical with the followers of the House of Orange, the advocates of centralization, of war, of democracy, of the smaller provinces as against Holland, and soon the majority of the States General, as representative of central authority, attached themselves to this party; the Remonstrants were found among the adherents of Oldenbarneveld, of Holland, of the municipal aristocracy and states' rights. The former party proposed a national synod to settle the religious differences; Holland refused to consent, declaring this inconsistent with the rights of the individual provinces, and proceeded to secure its various towns by enrolling mercenary troops; Utrecht, at the instance of Oldenbarneveld, did the same. In reply to this the stadtholder, having secured the governments of the other provinces, quietly revolutionized that of Utrecht. Holland now stood alone. On Aug. 29, 1618, he arrested Oldenbarneveld and Grotius and one of their associates. To complete the *coup d'état* and render permanent the victory of the Orange party, it remained to secure the States of Holland by purging of their Remonstrant majorities the municipal councils who deputed them. Six were already Contra-Remonstrant; backed by an armed force, the Prince proceeded to remodel the rest, one after another, and the revolution was accomplished.³³

Meanwhile Usselinx had been busily at work in Zealand. The States of that province, after hearing him by committee, favored his scheme, and resolving, if need were, to establish his company in that province alone, he began gathering subscriptions. Even without a charter, he succeeded in obtaining subscriptions to the amount of some 300,000 florins, with the promise of half a million or so more.³⁴ In all this he had

³³ Motley, John of Barneveld, chs. viii., xiv.-xviii.; Mr. van der Bergh and others in the *Verslagen en Mededeelingen der Koninklijke Akademie van Wetenschappen*, 2de reeks, deel xii., pp. 72-96.

³⁴ *Memorie aenwysende*, in Van Rees, ii., p. 464; *Summarische Erzählung*, Arg. Gust., pp. 52, 53; letter of Aug. 15, 1630, *Mercurius Germaniae*,

had the approval of Prince Maurice, and had apparently been in somewhat close relations with him. Early this year he planned, in concert with Prince Maurice and Prince Emanuel his brother-in-law, the claimant of Portugal, an expedition of two ships to be sent under the command of Melchior van den Kerckhove to the regions of Sierra Leone, to open up trade there. But Kerckhove was sent, by the government, to Venice as admiral of its fleet, and the Prince of Portugal conceived a dislike to one of the agents employed to negotiate with the king of Sierra Leone, and so the scheme fell through.⁹⁵

But Usselinx remained on good terms with Prince Maurice; and of course he watched with the greatest interest the revolution which the great captain was quietly effecting this summer. Indeed, in one of his later letters he claims a considerable share in that transaction, as having advocated the resort to force as the only remedy for the diseases of the body politic. "When," he says, "his Excellency Maurice Prince of Orange, of glorious memory, had had hard words with the Advocate of Holland, Barnevelt, at a meeting of your High Mightinesses, I came to him in the afternoon to have some conversation, but found him, greatly disturbed, walking up and down in his room, and, contrary to his custom, he let me stand a long time, without speaking. Whereupon I at last took up the word, saying: 'My gracious lord, your Excellency seems to be much disturbed.' He answered: 'It is true; but have I no reason for it?' I said I did not know what reason he had. Thereupon he answered: 'It is that I fear we shall come to the worst.' I said, laughing: 'Does your Excellency *fear* that? It is what *I* hope.' 'Well,' said his Excellency, 'why do you hope that?' I answered: 'I see that disorder has gone too far to

p. 43. In an unpublished letter of June 15, 1622, (Albany MSS., B. 1: 9), he says he had been for four years busy in Zealand, preceding this time, (*i. e.*, 1614-1618). He must mean four years off and on.

⁹⁵ Aenwysinge van den Coophandel Die wt het Coninckryck Sweden sal konnen gedreuen worden, 1624; Bibliog., II., No. 21, (Stockholm MSS.) Kerckhove was sent out before the middle of June, 1618, to preserve Venice from attacks of the Neapolitans. Van der Aa, Biographisch Woordenboek, s. v.

be set right with order; we must away with it by disorder or your Excellency and the country are lost.' Thereupon his Excellency asked what advice I would give, then. I replied: 'I am no military man, but if I had three or four thousand soldiers, I should remedy it or die in the attempt.' His Excellency began to laugh, saying: 'What would you do?' I said I should do so and so, whereupon his Excellency said again: 'You are right, it must be done so, but you must not mention it.' I gave him suggestions as to answering the matter, if need were, which he afterward asked me to give him in writing."⁹⁶

Whether or not there is much of the boastfulness of age in this assertion of influence upon great public events, it is curious to observe how closely the fortunes of Usselinx's scheme were associated with those of the party conflicts of the time. On the 16th of September, or within two or three days after it, the process of "regulating corporations" in which the Prince was engaged had been carried just far enough to secure for his party ten of the nineteen votes of their deputies in the States of Holland⁹⁷; and on the 18th those States took up again the matter of the West India Company, gave Usselinx *sureté du corps* for three months, and, in response to the desire of the other provinces and in spite of the unwillingness of two or three of the unreconstructed municipalities, charged the committee who in concert with deputies of the other provinces were to consider the extension of the East India Company's patent, to consult and report upon the matter of the West India Company also⁹⁸; the next month, at the instigation of the States

⁹⁶ Letter dated Hamburg, Oct. 25, 1639, (Hague MSS.); Bibliog., II., No. 79.

⁹⁷ So I judge from the recently discovered notes of one of the members of the States General, the Jonkheer van Vervou, *Enige Aenteekeningen van 't gepasseerde in de Vergadering van de Staten-Generael [1616-1620] deur Jr. Fredrich van Vervou*; published by the Friesch Genootschap van Geschied-, Oudheid- en Taalkunde; Leeuwarden, 1874. From pp. 149-152 it appears that the Orange party in the States of Holland had nine votes on Sept. 15th, and got control of the vote of the nobles within the next four days.

⁹⁸ Resolutions of Holland and West Friesland, Sept. 18, 1618.

General, much the same resolution was taken, and in December the *sureté* was renewed.⁹⁹

But in November,¹⁰⁰ while Usselinx was absent in Zealand, the general committee framed a charter for the West India Company, and before he could get back to the Hague, it was already resolved upon. It was far from meeting his views of what such a charter should be; those views he had embodied in a draught of his own, which he now submitted to the States General, requesting the appointment of a committee before whom he might discuss it. They appointed the same committee who had framed the other draught, but, after a series of conferences lasting five or six weeks, they were, he says, convinced that his plan was better; at any rate the States General sent copies of both draughts to the several provinces, requesting them all to report before the first of May next.¹⁰¹ Of course the reports were delayed far beyond this term; indeed, the committee of members from the great maritime cities to which the States of Holland entrusted the matter made no report until July, and then reported as a substitute a charter based on the two, but closely assimilated to that of the East India Company, of which some of the committee were members, and even less satisfactory to Usselinx than the former one had been.¹⁰² Of course, upon this there followed still further delays. We

⁹⁹ Resolutions of Holland and West Friesland, Oct. 24, (wrongly dated Oct. 23d, by Asher, p. 48), Dec. 18; Resolutions of the States General, Aug. 13, Oct. 22, Dec. 14, 1618; Jan. 25, 1619, the latter request the States of Holland to extend the *sureté* still further, while Usselinx is engaged in this matter.

¹⁰⁰ Resolutions of the States General, Nov. 16, 1618.

¹⁰¹ *Memorie aenwysende*, in Van Rees, ii., p. 464, (where the Albany copy reads "zes weken," Van Rees has "zes ueren," probably thinking that even of the exhaustless Usselinx the former is hardly to be believed, but the unpublished memorial of Feb. 24, 1623, in the archives at the Hague, explains this; for there his phrase is "in seer veel bijeenkomsten 5 of 6 weken gedurende"); *Corte aenwysinge* of Apr. 13, 1620, in Van Rees, ii, Appendix iii, pp. 410, 411 (of which there is also a copy, B. 1:1, at Albany); *Summarische Erzählung*, Arg. Gust, p. 53; *Mercurius Germaniae*, letter of Aug. 15, 1630, p. 43; Resolutions of the States General, Dec. 29, 1618, Feb. 6, 1619.

¹⁰² *Corte aenwysinge* of Apr. 13, 1620, in Van Rees, ii. p. 411; *Memorie aenwysende*, p. 464; Resolutions of Holland and West Friesland, Mar. 16, July 2, 20, 1619; memorial of Feb. 24, 1623.

may pause to note the indication that the truce was felt to be nearing its end, in the permission given by the States General at this time to various persons undertaking voyages to the West Indies to resist by arms any who tried to prevent their trading in places over which the king of Spain did not really have control.¹⁰⁸ Next we may take the opportunity to compare the two draughts proposed for the constitution of the company destined to play so great a part in the history of the times, to gain great naval victories, to hold Brazil, and in part to shape the future of a state now greater than the whole kingdom of the Netherlands.

The score of years preceding had been prolific in great trading and colonizing companies. The English East India Company had been founded in 1600, the Dutch in 1602, those of France in 1604, 1611, and 1615, the Danish in 1616, the Virginia Company in 1606. But undoubtedly the models for the charter framed by the maritime cities of Holland for the West India Company were that which had been framed for it in 1607, and that of the already great and prosperous East India Company. The regions in which the company was to have a monopoly of trade for forty-eight years were the west coast of Africa, both east and west coasts of America, the islands of the Atlantic, and whatever southern regions there might be between the meridian of the Cape of Good Hope and that of the east end of New Guinea; but the salt trade to Punta de Araya was, as a concession to the cities of North Holland, specially excepted. The same rights of alliance, war, and colonization were granted as before; virtually the same provisions were made as to oaths, officers and soldiers, tolls and licenses. The arrangement of the government of the company in local chambers and a general board was to subsist as before, the States General being, however, represented in the latter; the directors were to be chosen by the magistracy of the province from among those who had subscribed a number of thousands of florins differing in the different chambers, and to be paid by a percentage on the trade of the company; their renewal

¹⁰⁸ Arend, *Algemeene Geschiedenis des Vaderlands*, iii : 3, p. 428.

was to be arranged by vote. Provision, but somewhat loose provision, was made for audit. The regulation of the manner of taking subscriptions was left to the provincial authorities. The directors were not during their term of office to have any mercantile dealings with the company. The promise of a million florins from the state was made conditional upon the event of the company's becoming involved in war. In other respects the charter differed but slightly from that of 1607.

The draught prepared by Usselinx differed in a marked manner from this. The variations sprang, as he himself said, from a difference of purpose. It seemed to him that the other plan tended too much to the advantage of the directors, too little to that of the stockholders and of the company at large. It rested, too, upon a mistaken view of the work to be done in America, which was not like the task set before those who had to do with the kingdoms of the East, but consisted rather in building up trade by occupying the land, establishing colonies and new republics, stimulating agriculture and mining, securing justice and freedom and good government, converting and winning over the natives. In the framing of the charter of the East India Company the States were hampered by regard for the conflicting rights and desires of companies already in the field; here they had *carte blanche* to carry out a great programme of colonial statesmanship. It is a conspicuous sign of the great mental power which, in spite of his occasionally tedious prolixity, cannot fail to be recognized in Willem Usselinx, that he should, thus early in the history of colonization, have arrived at ideals of colonial policy so advanced and so statesmanlike as those indicated by his programme. The opportunities which America presented for the realization of such designs he set forth to the States General forcibly and with knowledge; and he declared his belief that this enterprise was the most important that had ever been undertaken in the world.

This design of working for the benefit of the whole country and founding a colonial empire, rather than seeking merely the advantage of individual merchants, or placing

chief reliance on warlike attacks upon the Spanish possessions, produced most of the differences in the patent of Usselinx; many others, matters of detail yet important, were the product of his remarkable insight into commercial affairs; others, again, arose from his religious zeal. It was this which caused him to give the honor of God and the promotion of true religion a prominent place among the declared objects of the company, and to propose the establishment of a council or college of theologians, who should attend to the supplying of the company with a sufficient number of godly ministers and teachers, and should instruct in religion and learning not only the colonists and their children but also the Indians.¹⁰⁴

The territory of the company ought, he believed, to include the east coast of Africa and the whole of Terra Australis, views which were embodied in the great scheme of his later years; but the salt trade might well enough be excepted, as well as the lands of America to the north of Virginia. It is not a little singular that to the failure of the government to adopt this last suggestion of his he owes most of his interest to the American world. As to period, he considered twelve years quite long enough for such a charter to run; it might at the end of that time be extended. His charter regulated the mode of subscription with much greater minuteness, and provided a stricter and sounder method of audit, carried out by the chief stockholders. The number of directors in each chamber was to equal one for every two hundred thousand florins subscribed at that place; they were to be elected by those stockholders who had shares to the amount of twelve hundred florins from among those who had invested eighteen hundred, and to have an annual salary of a thousand florins each; all which was a much more democratic arrangement, and much more favorable to the interests of the stockholders. As to the number of chambers, there was to be one in every place where subscriptions amounting to one eighth of the whole

¹⁰⁴ According to Van Rees, ii., p. 117, this was the subject of the memorial to the synod of Dort, mentioned in one of his letters.

were received; but the effort was made to extend some of the benefits arising from the possession of a chamber to places subscribing somewhat less than this; both these arrangements, he thought, would give a local stimulus to subscriptions.

An important part of his scheme was the provision that the members of the company should elect from among their own body a certain number of nobles and others to form a Council of the Indies, of which he intended the Prince of Orange to be the head, which should have charge of such matters as alliances, the levying of troops, the appointment of governors and making of laws, and in general the political functions of the company; any foreign prince or republic subscribing 800,000 florins should be entitled to be represented by a member in this council, and a committee of its members should attend the general assembly of nine which constituted the central board of the company. These matters of state, and the protection of the interests of the settlers, could not, he thought, safely be intrusted to merchants only, as Lord Bacon, in his essay on plantations, urges that the ruling body should contain "rather noblemen and gentlemen, than merchants, for they look ever to the present gain;" while the grant of privileges to other States would draw thence not only subscriptions, but a supply of immigrants. The suggestion that otherwise they may erect companies of their own, is of interest in view of his subsequent history. The colonists were to have free institutions, but were to pay taxes to the home government, were to trade with the United Netherlands only, and were to have no manufactures to compete with those of the mother country. Instead of the governmental subsidy, the States General were to give a general promise of protection.¹⁰⁵

¹⁰⁵ The draught prepared by Usselinx is printed in Van Rees, ii., Appendix ii., pp. 384-408; his explanation and defence of it is contained in the *Corte aenwysinge van de voornaemste verschillen tusschen*, etc., of April 13, 1620, printed in Van Rees, ii., Appendix iii., pp. 408-436. The provisions of the charter framed by the maritime cities of Holland, in so far as they differed from those of the charter finally granted, are made known by this document or by Prof. Van Rees' annotations of it. He discusses the two at pp. 110-124.

No doubt the plan of Usselinx was based on ideas of colonial trade and policy more advanced than those underlying the other plan. But it was far less likely to win acceptance. The patient building up of a colonial empire, the slow gains of ordinary commerce, were not so much the objects of those entering the company and of those now deciding its form, as personal advantage, warlike measures, attacks on Spanish possessions, and the obtaining of rich booty. And the more the objects of the framers became political, and the more they approached those of the East India Company, the more likely it was that the form they gave it should bear that aristocratic character which the other institutions of the provinces exhibited, and should resemble closely that of the East India Company. And the province of Holland would favor an arrangement of chambers which secured its preponderance, and especially dislike such an institution as a Council of Indies, with Prince Maurice at its head.

For the next two years most of Usselinx's efforts were given to the attempt to secure the adoption of his draught as the charter of the company. Much after the first of May, 1619, indeed much after the first of May, 1620, the matter was still under discussion, and he was experiencing, to use his own phrase, the difficulty of bringing many heads under one hat.¹⁰⁶ The magistrates of the maritime towns opposed him, wishing a patent which should secure to them as many advantages as the East India Company did. Towns subscribing little opposed the distribution of the chambers and directors according to amount of subscription. The magistrates of one town, he says, told him there should never be a company unless they had a voice in its management. Some wanted to appropriate the information he had acquired, and then deprive him of the credit; others, from pride or from meanness, would not acknowledge assistance received from him; still others, whom he himself suspected of being "sore wounded with Spanish pistoles," accused him of having been bribed because he opposed the favorite plan of charter.¹⁰⁷

¹⁰⁶ *Auszführlicher Bericht*, in *Arg. Gust.*, p. 10.

¹⁰⁷ *Anhang dieses aussführlichen Berichts*, in *Arg. Gust.*, pp. 46, 47.

Peculiarly unhappy were the effects of his impoverishment. For a long time he would not ask for any recompense for his services to the state, though his friends advised it; for he feared to bring odium upon his great design and impede its success.¹⁰⁸ But it seems likely that at some time during the year 1619 the last remnants of his property were lost,¹⁰⁹ and henceforth much of his effort was expended in pitiable and generally vain attempts to obtain from unwilling boards of magistrates, by importunate appeals, some grants of money for his support. Great promises, he says, had been made him, — that he should be made a duke, a count, or one of the greatest lords of the land, if he brought this scheme to pass.¹¹⁰ Yet when, in February of this year, he presented to the States General a declaration, in which he estimated his expenses during his long period of attendance upon the committee at 3,796 guilders, they voted that, since he had given much information and been of much use, they would give him 1,000 Carolus guilders, to be repaid to their treasurer by the West India Company when chartered, or when the declarant's further pretensions should be disposed of by them. Further requests, in May, in November, in December, in January, were entirely disregarded, or discussed without result. As a specimen, on the 21st of December there was further deliberation about his request of 1,600 guilders, and it was resolved that he should be summoned whenever his help was needed. On the 25th of July, 1620, on the earnest recommendation of his Excellency, that care should be taken of Willem Eusselincx on account of his serious situation and the great services rendered by him in furthering the West India Company, they granted him 1,000 Carolus guilders, 500 to be paid then, and the

¹⁰⁸ Letter of Aug. 15, 1630, *Mercurius Germaniae*, p. 44, in Arg. Gust.

¹⁰⁹ The States General, by a resolution of Feb. 6, 1619, give him *sureté de corps* for one year, that he may travel in Brabant, Flanders, etc. In the Resolutions of the States of Holland and West Friesland, July 23, 1619, he is given *sureté* till their next meeting. After this time I do not find such grants. This I take as an indication that before another year came he had finally been compelled to give up all the property he had so far retained.

¹¹⁰ *Mercurius Germaniae*, p. 43.

rest within six months.¹¹¹ Meanwhile, as if these disappointments and humiliations were not enough, the States of Holland refused to examine his arguments in favor of his own draught, and by March the other patent was decisively approved by the States General as well.¹¹²

We are told that Abraham Sixt, ambassador of the elector palatine Frederick, contributed to this decision by urging upon them the adoption of the more warlike plan, as a means of assisting the Protestant cause in the Bohemian war.¹¹³ The incident is characteristic of the new relations which, henceforward for nearly a generation, the politics of the United Provinces were to bear to the events going on elsewhere in Europe. The first part of the eighty years' war for independence, though connected at many points with occurrences outside the Netherlands, did not as a whole form part of any one great European movement; the second part, that lasting from the conclusion of the twelve years' truce to the peace of Westphalia, was in reality one phase of the terrible European struggle known as the Thirty Years' War. The conflict between anarchy and despotism had already begun in the empire in 1618, and while the two draughts for the charter of the West India Company were being discussed, Ferdinand had become emperor, the elector palatine had been chosen king of Bohemia, and the combination for his overthrow was being formed. In all these events the United Provinces had the most direct and vivid interest. The cause of Protestantism in Bohemia was felt to be their cause, the cause of the German Calvinists especially enlisted the sympathy of the party now ruling, and the elector palatine was the nephew of Prince Maurice and Count Frederick Henry. But, still more, the central fact of Netherland policy

¹¹¹ Resolutions of the States General, Feb. 11, May 25, Nov. 27, Nov. 30, Dec. 21, 1619, Jan. 16, July 25, 1620. They had not paid these 1,000 guilders in Nov., 1622, memorial, App. x., in Van Rees, ii., p. 453. The guilder or florin = 40 cents.

¹¹² Resolutions of Holland and West Friesland, Dec. 17, 1619. Sir Dudley Carleton's Letters, p. 454. The Holland Resolutions of Mar. 4, 12, 18, 20, 1620, show the same.

¹¹³ Arend, *Algemeene Geschiedenis des Vaderlands*, iii : 3, pp. 428, 433.

at this time was that the truce had nearly expired, and was evidently not to be renewed. All decisions in public matters must therefore be made with an eye to the approaching renewal of hostilities. Hence it was that this spring (1620), on the one hand, the States sent subsidies and promised to send troops to the princes of the Union, as they had been doing to the Bohemians¹¹⁴; and, on the other hand, framed for the company a charter according to the more warlike designs of the maritime cities of Holland, in preference to that of Usselinx.

It was hardly to be expected that they should do otherwise. The ardent and intense mind of the projector was filled with his great designs. Year after year he had labored for them, instant in season and out of season, with an opportunity which he himself confesses; a few years later he computed that he had urged his views at one hundred conferences.¹¹⁵ He presented them at forty or fifty meetings of committees of the States General alone. He had exhibited them so fully and so cogently to Count Maurice and Count William that the latter finally sent him word that he need send him no more arguments upon the subject, as he understood it thoroughly and would heartily help; which Usselinx records with apparently no suspicion that it was not exclusively a tribute of commendation.¹¹⁶ All this betokens a mind which, however strong and acute, had allowed one matter to occupy too large a part of its horizon. The rulers of a whole country had to see things in better proportion, to care for many other interests beside those of West India commerce and future colonial empire. The struggle between Ferdinand and Frederick in Bohemia, the intervention of Maximilian, the campaign ending with the battle of the White Hill, the policy of the king of England, the doings of Bethlen Gabor, the course followed by the princes of the

¹¹⁴ Gardiner, *Prince Charles and the Spanish Marriage*, i., pp. 307, 327. *Relations between England and Germany, 1619-1620* (Camden Soc.), p. 170. Gindely, *Geschichte des dreissigjährigen Krieges*, iii., p. 53.

¹¹⁵ Unpublished memorial of Feb. 24, 1623; (Bibliog., II., No. 17).

¹¹⁶ Unpublished letter of Nov. 6, 1622 (Albany MSS., B. 1: 11); letter of Aug. 15, 1630, *Mercurius Germaniae*, p. 43, in the *Argonautica Gustaviana*.

Union, the march of Spinola from the Spanish Netherlands into the Palatinate, and their own efforts to keep a close watch upon the movements of the latter, lest they themselves be attacked,—all these, far more than the affairs of the West Indies, occupied during this year the attention of their High Mightinesses.¹¹⁷ Yet it is perhaps worthy of note that in August, the king of England having twenty ships ready for an expedition against the Mediterranean pirates, they urged him rather to employ them in an attack upon the Spanish treasure-house in the Indies, and so compel the recall of Spinola from the Palatinate.¹¹⁸

On the 13th of April Usselinx presented to the States General a long discourse upon the principal differences between his charter and that now virtually decided on, in which he argues vigorously in support of his own projects, and incidentally sets forth the inexpediency of giving attacks upon Brazil and upon the silver fleet an important place among the designs of the company, since the hope of valuable assistance from either Portuguese, Jews, or blacks was vain, and the chances of capturing the annual fleets were too uncertain for reliance.¹¹⁹ But neither this nor an amended draft given in later, nor a subsequent remonstrance, seems to have had any effect.¹²⁰ During the summer—the same summer in which the Pilgrim Fathers were departing from Holland,—he prepared and, between the middle of August and the middle of November, gave in to the States a paper in which he adopted a tone somewhat more favorable to the warlike views held by others, though at the same time

¹¹⁷ Vervou, Aenteekeningen, pp. 233–272 *passim*, Gindely, iii., p. 53, 68–71, 290.

¹¹⁸ Gardiner, Prince Charles and the Spanish Marriage, i., p. 341.

¹¹⁹ This paper (Albany copies, B. 1 : 1) bears the title, a misnomer so far as length is concerned, *Corte aenwysinge van de voornaemste verschillen tuschen 't concept van octroy of West Indien dat bij de Hoog Mogende Heeren, mynheeren de Staaten Generael inde maent van Februario anno 1619, aen de respectie Provincien is gesonden ende tgene daerna by de gecommiteerde uit de groote Zee Steden van Hollandt ende Westvrieslandt is beraemt*. It has been printed by Van Rees as Appendix iii. to vol. ii., pp. 408–432.

¹²⁰ Resolutions of the States General, May 5, July 22, Dec. 5, 1620.

he adhered to his opinions as to the company's government.¹²¹ He urged in this paper that the Spaniards would make every effort to defer the erection of such a company until the ending of the truce, that then it would prove difficult to start it, and that therefore it ought to be taken in hand at once, in order to secure sufficient resources to make the attack on the Spanish possessions in the Indies an effectual one; the more, that the Spaniards now had occupation in Germany. Directors, he thought, ought not to be chosen till all the subscriptions were in, nor ought the progress of the affair to be endangered by fruitless waiting for unanimity upon the question of the inclusion of the salt trade, about which certain cities of North Holland, especially Hoorn, were at this time making much difficulty.¹²²

There were still other difficulties about conceding the possession of a fifth chamber to Friesland and Groningen, about the subsidy to be given by the States General and their share of the profits, and about exemption from tolls. Certain of the other provinces upheld Usselinx's plan of a Council of the Indies, but the States of Holland effectually opposed it. As to his plan for allowing foreign princes or states to subscribe and be represented by a director, it was compromised by allowing them to subscribe in the name of some citizen of the United Provinces. A fifth chamber, to

¹²¹ This paper is summarized in an unpublished memorial of Feb. 24, 1623 (Hague Archives). Its date is fixed by the phrases "Met dit werck voort te vaeren dewijle d'oorloge in Duytselandt was ontsteken ende den Spagniaert daer werck hadde; quaemesijne Mayesteyt van Bohemen te boven soo soudon wij," etc., whence it appears to have been written after Spinola's march on Mainz and before the battle of the White Hill. It is stated to have been afterward printed; perhaps it is identical with the "boeck, n° 30, in handen van den heer Advokaet Wevelinckhoven . . . gestelt om te corrigeren of det het mochte gedrukt worden," mentioned in the *Memorie aenwysende* of Oct. 3, 1644, Van Rees, ii., p. 464. It does not seem to correspond with any thing in Tiele or Van der Wulp. I ought to add that it is not quite certain from Usselinx's words that all the above arguments were used in this one discourse. In the same unpublished memorial he speaks also of a memorial handed in in September, 1620.

¹²² Arend, *Algemeene Geschiedenis des Vaderlands*, iii: 3, pp. 666-71.

have one ninth of the capital, was at last reluctantly conceded to Friesland and Groningen ; but it was resolved not to allow them to make this a precedent for claiming similar privileges in the East India Company, when the time came for the renewal of its charter, the discussions in regard to which had much effect in delaying the formation of the West India Company and some influence upon the provisions of its charter.¹³³

By October those provisions were regarded as fully determined, and it remained only to decide upon the best means of getting subscriptions and setting the company in motion. The deliberations and delays in regard to these matters, the consultations with experts, the composing of still remaining differences, occupied the entire winter ; and even when May 1, 1621, had been fixed upon as the day for the issue of the charter, and orders had been given to choose directors, a sudden difficulty with Zealand, which claimed compensation for the absorption of its tobacco plantation upon the Amazon, together with a desire to get substantial help from the East India Company, caused a postponement. It was accordingly on the third of June, 1621, that the company for which Usselinx had so long labored, finally came into being, though in a form widely differing from that which he had desired.¹³⁴

Aside from such readjustment as the addition of a fifth chamber made necessary, the charter finally adopted was nearly identical with the draught already described, which the maritime towns had prepared. The duration of the patent was fixed at twenty-four years, instead of forty-eight ; the renewal of the directors was to be carried out by lot ; there was to be a governor-in-chief of the company's colo-

¹³³ Resolutions of Holland and West Friesland, March 4, 12, 18, 20, Aug. 14, Sept. 19, Dec. 19, 1620. Laspeyres, *Volkswirtschaftliche Anschauungen*, pp. 67-72.

¹³⁴ F. v. Vervou, *Aenteekeningen*, p. 267. Resolutions of Holland and West Friesland, Oct. 15, Nov. 6, Dec. 4, 18, 19, 1620, Jan. 7, 21, 22, 24, March 9, Apr. 8, 20, May 26, 1621, and one which comes to me from Leiden dated June 26, 1621, but which, from its contents, must be of date between June 9th and June 15th.

nial possessions; and the promise of subsidy from the States was made unconditional.¹²⁵

One of the provisions of this charter has been so thoroughly misunderstood that a brief digression, to set forth its real meaning, may perhaps be forgiven, as it not only has an important bearing on the history of New Netherland, but also furnishes a curious illustration of carelessness of research on the part of historical writers, and of their habit of following one another, as the saying is, like sheep over a wall.¹²⁶

The second article of the charter, among other provisions, contains the following: "Moreover, they may advance the peopling of fruitful and unsettled parts, and do all that the service of these lands, and the profit and increase of trade shall require."¹²⁷ Now, in Appendix A, of O'Callaghan's "New Netherland," vol. i., this quite different translation appears: "Moreover, they *must* advance the peopling of *those* fruitful and unsettled parts, and do all that the service of *those* countries," etc., "shall require." This represents it as obligatory upon the company to do what in reality it was simply permitted to do, if it chose; and makes a reference to definite "parts," where the charter contains none. Any one familiar with the phraseology of Dutch public papers of that time, and noticing the context here, will further conclude that "der Landen" refers to the United Provinces, and not to future colonies, for whose interests neither States nor company would be likely in that age to take quite so much care in advance. It is of some importance that the unfortunate and much-abused company should be thus vindicated

¹²⁵ A copy of the printed Octroy, 1621, is in the Library of Congress.

¹²⁶ The fact that I have spoken of this before, in an article on the "Origin and Development of the Municipal Government of New York City," published in the *Magazine of American History* for May, 1882, makes me only the more desirous to speak of it now again; for, through the loss of a corrected proof in the mail, what I then tried to say on this point came out in so mangled a form as to be scarcely intelligible.

¹²⁷ "Voorts populatie van vruchtbare ende onbewoonde Quartieren mogen bevorderen ende alles doen dat den dienst der Landen," etc., "sal vereysshchen." This provision occurred, in almost the same words, in the maritime cities' draught, and in that of Usselinx (in which it formed part of Art. iv.); also in that of 1606 (Meteren, p. 527 d).

from the charge of breach of their charter, added to the indisputable one of mismanagement, for on the above mistranslation have been founded statements in popular works to the effect that the company pledged themselves to colonize the new territories.

The note at the foot of p. 91 of O'Callaghan, which directs attention to this appendix, is as follows :

"For this charter, see Appendix A.; also, De Laet, Hist. ofte Jaerlyck Verhael. Aitzema, Historie, I., 62; Johan Thasseus' [*sic*] Zeepolitie; 'een seer net ende curieus Boeck,' says Aitzema; Hazard's State Papers, i., 121. Groot Placaet Boek, i., 566."

Now the Octroy, edition of 1621, the Octroy mette Ampliatien, and Accoord, of 1642, De Laet, Aitzema, and Tjassens, all agree in giving the text as above translated. The mistranslations are, however, to be found word for word in Hazard, who also, in the Accoord, for Article xi., which refers to the qualifications of Principal Adventurers in the company, inserts by mistake the entirely irrelevant Article xi. of the Octroy, which peculiarity we see repeated in O'Callaghan, i., App. B. This fact (strengthened perhaps by the slight inaccuracy of the quotation from Aitzema, above) makes one suspect that Dr. O'Callaghan did not look at, or at least did not carefully examine, the Dutch authorities which he cites, but that the translation, modestly placed after them, is the real source of his own translation, the same throughout as Hazard's. Other writers have followed him, as he followed Hazard; and the company has paid the penalty.¹²⁸

But to return to Usselinx. The final issue of the charter did not stop his efforts to have it amended; that same month he presented to the States General two remon-

¹²⁸ *E. g.*, Mrs. Martha J. Lamb says, in her History of New York City, i., p. 46: "In the newly-drafted constitution of the West India Company was a clause by which the corporation would be obligated to people the so-called Dutch territory of North America." Yet in the note at the foot of p. 47, she also refers to De Laet. The same error is repeated in the last history of New York, that by Hon. Ellis H. Roberts, in the American Commonwealth series, i., p. 32.

stances upon the subject, particularly requesting in the case of the second that it be discussed and resolved upon in the presence of His Excellency.¹²⁹ We cannot help smiling at his urgency, and may well believe that the States were thoroughly wearied by his importunity. But on the other hand it affords some evidence of a character essentially high-minded and unselfish, that we see him, in spite of the fact that his plans had been rejected, devoting himself at once, this very summer, to furthering the interests of the company by collecting subscriptions for it. In October he reports that he has obtained subscriptions to the amount of 40,000 guilders, and promises of 600,000 more. But, he says, to get an amount that shall be really adequate, it will be necessary to make changes in the charter; and he proceeds again to urge the amendments he had suggested in his paper of a year before, and, as that memorial is short (it covers forty-three pages of foolscap in the copy at Albany), he wishes it might now be read again.¹³⁰ The occasion which Usselinx took for making this report was a meeting of some of the managers of the West India Company for consultation as to the undertaking. It is plain from the resolutions of Holland during this part of the year that little progress had yet been made. Traders to Guinea and to Virginia, *i. e.*, to the region of the Hudson River, received permission to continue, up to the next July, their voyages to regions embraced within the company's patent, and though arrangements were decided on for the election of directors, and efforts made to come to some accommodation with the cities of North Holland upon the salt trade, little more was actually done than to enjoin all officials to use their influence in urging more rapid subscriptions.¹³¹

To Usselinx, with his strong sympathy for the poor, to

¹²⁹ Resolutions of the States General, June 5, 10, 1621.

¹³⁰ Unpublished memorial, dated Oct. 7, 1621, a copy of which is at Albany (B. 1 : 2). Resolutions of States General, Oct. 7, 1621 (Hague MSS.), Nov. 1 (Albany).

¹³¹ Resolutions of Holland and West Friesland, Sept. 8, 13, 22, 28, 30, Oct. 13, Dec. 2, 16, 17, 1621.

give any company a monopoly of the salt trade seemed a monstrous sacrifice of the interests of the country at large to those of a few self-seeking merchants; he opposed the project strongly in three memorials this winter, urging that the damage to the interests of the country as a whole would not, as was asserted, be compensated by the additional subscriptions which would be attracted to the company by this increase of its chances of profit.¹³³ But one who is writing

¹³³ The memorials of Dec. 3, 1621 and Jan. 21, 1622 are printed in Van Rees, vol. ii., pp. 433-440; *Mercurius Germaniae*, p. 43. A previous memorial of Nov. 6th seems to have been lost. It is mentioned in the unpublished memorial of June 15, 1622 (Albany, B. 1 : 9), and in the Resolutions of the States-General, Nov. 11, 1621 (Hague MSS.). Laspeyres, p. 75, thinks that on this point Usselinx expresses one view in his memorials to the States General and another in pamphlets addressed to the people; but there are not, in my opinion, sufficient reasons for attributing to Usselinx the anonymous pamphlets to which he refers. This may be as good a place as any for giving my reasons for not attributing to Usselinx certain pamphlets which Prof. Laspeyres, either in his bibliography or on p. 75 (the inclusion of B. 53 in his index at p. 330 is, I am sure, a misprint for B. 55), assigns to him. These are six in number: *Anderde Discours by Forma van Missieve*, 1622, Lasp. 32, Asher 95, Tiele 1931; *Derde Discours by Forma van Missive*, 1622, Lasp. 33, Asher 96, Tiele 1932; *Levendich Discours vant ghemeyne Lants Welvaart*, 1622, L. 40, A. 99, T. 1933; *Voortganck van de W. I. Compagnie*, 1623, L. 54, A. 100, T. 1984; *Redenen waeromme de W. I. Co. dient te trachten het Land van Brazilien den Con. v. Sp. te ontmachtigen*, 1624; *Examen over het Vertooch*, 1637, T. 2607, 2608. Let me remark in the first place that the enumeration of his writings, printed and unprinted, which Usselinx makes in his memorial of Oct. 3, 1644, Van Rees, ii., 461-475, is so full that the presumption is against including any pamphlets not there mentioned, though the *Korte Onderrichtinghe and Politicq Discours* are evidently his.

The *Anderde Discours* I reject because, first, the writer's style is not quite that of Usselinx; second, he argues much in behalf of the East India Company, which Usselinx would not have done; third, he shows that he knew Sibylla, Duchess of Cleves, and Count Bucquoy, and I think we should know of it otherwise if Usselinx did; again, because he at times follows very closely, showing little originality, the arguments of the first *Missive* or *Discours* of 1621, to which his is a second (Tiele 1869, 1870); but chiefly because in that first *Missive*, of which Laspeyres (p. 295, No. 32) does not know, at pp. 13-21, the writer copies almost entirely the exposition of the West India trade which Usselinx gave in his *Vertoogh hoe nootwendich* in 1608; that he should not only submit to this without protest, but write an approving and supplementary pamphlet, is hard for any acquaintance of Usselinx to believe. The *Derde Discours* argues that the salt trade should be included, and that the directors should be chosen by the provincial States; views exactly contrary to those of

the history, not of the company, but of Usselinx, need not follow this matter of the salt trade further than to say that it was in fact, so far as Punta de Araya was concerned, included in the charter, and that the dissensions with Hoorn thence arising were not allayed during the remaining period of his stay in his native country.¹³³

Another matter, of greater importance to the subsequent history of the company, comes also into prominence in one of these memorials. This is the project of an expedition for the conquest of Brazil, and the arguments urged against it by Usselinx at this and other times are worthy of attention.¹³⁴ At the time, he tells us later, the women at the wash-benches and the children in the lanes were already talking of its advantages ; but he stoutly opposed it in seven

Usselinx. If my arguments against the *Anderde Discours* are sound, we must also reject the *Levendich Discours*. I know of no copy in this country ; but through the kindness of Dr. du Rieu, librarian of the University of Leiden, I have been provided with a transcript of it ; it is plainly by the writer of the *Anderde Discours*, and apparently by an Antwerper. As to the *Voortganck*, it is too distinctly modest, and not bright and interesting enough in style, nor does it display sufficiently detailed knowledge of the subject ; the printer's preface indicates a stockholder as the author ; Van Rees, ii., p. 133, n. 2, has given still other reasons. The *Redenen waeromme* cannot be attributed to Usselinx. For by the title it is a part of the proposals made to the prince and a committee of the States General on April 4, 5, 6, 1623, by Jan Andries Moerbeek ; and if this is argued to be a pseudonym of Usselinx, a preface signed Sept. 6, 1624, when he was out of the country, is enough to disprove it. Moreover, he was opposed to attacking Brazil ; and there are other contradictions. See also Van Rees, ii., p. 182, n. 1. As to the *Examen*, I can only say that it does not sound to me like Usselinx's writing.

¹³³ Resolutions of Holland and West Friesland, Jan. 10, 18, 21, 24, March 23, April 13, 14, 19, 20, 21, 23, 26, 28, May 3, 6, 12, 13, Sept. 27, Oct. 26, 1622 ; March 9, Dec. 5, 1623 ; May 14, July 17, 1624. The patent of June 10, 1622, granting the inclusion of the salt trade, is given in De Laet, *Historie ofte Jaerlijck Verhael*, where may also be found an additional charter of Feb. 23, 1623, confirming this and slightly amending the form of government, and the regulations made June 21, 1623, by agreement between the directors and the principal stockholders.

¹³⁴ *Corte aenwysinge* of Apr. 13, 1620, Van Rees, ii. p. 419 ; memorial of Jan. 21, 1622, *id.*, pp. 437, 438 ; unpublished memorial of Feb. 24, 1623, (Hague MSS.) ; another of June 4, 1622, is there alluded to ; the *Anhang dieses aussführlichen Berichts*, in *Arg. Gust.*, pp. 44, 45 ; *Mercurius Germaniae*, p. 17.

or eight memorials, declaring that it was not a thing to be undertaken with a small force, "no cat to be taken hold of without gloves," being the strongest part of the king's dominions. To obtain it would be a good thing; but to attack it with a few troops would only secure to them the ashes of plantations, with the certainty of an expensive war by sea and land to maintain the slight foothold acquired. They need not expect that the Portuguese would, out of enmity to the Spaniards, side with the heretic Netherlanders, since thus they would cut themselves off from their own native country; nor look for assistance from their slaves; nor put any trust in the promises made there by the Jews, a race "faithless and pusillanimous, enemies to all the world and especially to all Christians, caring not whose house burns so long as they may warm themselves at the coals," who "would rather see a hundred thousand Christians perish than suffer the loss of a hundred crowns." It will be seen that Usselinx had not lost the vigorous intolerance of his youth; but neither, on the other hand, had he lost his insight; the difficulties of which he speaks are to a great extent the very ones which caused the failure of the first Dutch attack on Brazil, and indeed in part the same which eventually brought to an unsuccessful issue the longer occupation which ensued upon the expedition of 1630.¹⁸⁵

But the affairs of the company were already quite out of the control of Usselinx. The States General and the States of Holland seem to have read with commendable patience the seventeen or eighteen memorials which he sent in this year, and gave him audience at least four times; but they rejected all suggestions of change in the charter.¹⁸⁶ Most of

¹⁸⁵ Asher, pp. xxi.-xxiii.; Van Rees, ii., pp. 180-212, *passim*. It is, from what has been said, evidently a mistake to attribute to Usselinx the *Advies tot Aanbeveling van de Verovering van Brazilië door de W. I. Co.*, printed in the *Kronijk* of the *Historisch Genootschap te Utrecht*, 27 (1871), pp. 228-256, dated Amsterdam, Sept. 12, 1622. The editors say that its arguments are contrary indeed to the opinions held by Usselinx in 1620, but that by 1622 the renewal of the war had changed matters. But they are directly contrary also to what I have shown to have been his opinions in Jan. and June, 1622, in February, 1623, and in 1625; see preceding note.

¹⁸⁶ As to the memorials, see that of Nov., 1622, Van Rees, ii., p. 454; eight

his efforts with them this year were devoted to securing a recompense for the services which he had rendered to the country. He expatiates repeatedly upon the magnitude of those services; he hints that he has secrets to reveal of the highest importance to the success of the company, that indeed he has withheld the best suggestions, which will be divulged only when his claims are settled. Those claims were certainly not small, though, as he points out in an unpublished memorial, "the Indies have given Spain dukes, marquises, counts, knights, nobles, and rich men," or *grandees*. What he desired was, first, two per cent. of all the conditional subscriptions he might obtain, and four per cent. of the subscriptions secured unconditionally; as the capital was intended to be of ten million guilders, and did in fact at the outset reach six millions, this alone was a large sum. Second, he desired to have ten per cent. of the net revenue to the state from the West Indies, otherwise than from the state subsidy; the king of Spain, he says, sometimes gives his governors twenty per cent. He desired, thirdly, to be assured of one half of all the brokerage of the company's business; and finally, to have suitable employment as their agent.

These claims, first made to the States General in January, were repeated to the States of Holland in April, with an additional request for three thousand guilders in advance. The States of Holland, warned by the Prince of Orange that this man could do them much service if well treated and much harm otherwise, resolved with characteristic caution to see what could be done for him without burdening the state and to consult with the other provinces as to what provision should be made, and meanwhile gave him a thousand guilders in cash. He thought they were on the point of agreeing to his terms; but, as so often, his expectations proved over-sanguine, and a few months later he is glad to

(or nine) of the memorials of this year are still extant; Bibliography, II., Nos. 7-15. The hearings were in January (Albany MSS., B. 1:9); in April (Resolutions of Holland, Apr. 14th); in June (Resolutions of States General, June 23d), (Hague MSS.); and in September (*ibid.*, Sept. 9th).

reduce the first item of his claim to two per cent. of what was subscribed above five millions, and to accept the profits which such a part of the stock might obtain, instead of the principal; also to receive, instead of half the brokerage, one fourth, less the costs. At the same time he expressed his unwillingness to go on collecting subscriptions, and his belief that no adequate amount would be subscribed, (only two millions had yet been obtained), unless the constitution of the company was amended as he wished it to be. This he declared could be done (by a process of very loose construction, it must be said) without altering the terms of the charter already granted.¹³⁷

How low the fortunes of Usselinx had at this time sunk may be seen from the fact that, desiring to strengthen his applications by securing the influence of Prince Maurice, as well as to lay before him his suggestions as to the management of the company, he had to ask the States General for the small sum of one hundred and fifty guilders (\$60) for his journey to the Prince. A day or two later he urges that after all his labors he be not left in so poor a condition as during these last two years, but at least his expenses paid. They had given him the hundred and fifty guilders, but as to any thing further, they resolved that he should first go to His Excellency; if the latter's approval were secured, they would see what could be done.¹³⁸ The Prince was at this time with the army in the southern part of the country, where he had been watching the operations of Spinola in his siege of Bergen-op-Zoom. For the truce had ended a

¹³⁷ Memorial of Jan. 22, 1622, Van Rees, ii., App. vi., pp. 440-442; Resolutions of Holland and West Friesland, Apr. 20th, 23d, (Mr. Berg v. Dussen Muilkerk, Gids, 1849, i., pp. 709, 710, mentions these as of April 19th, 26th); *Summarische Erzelung*, in Arg. Gust., p. 53; Resolutions of States General, June 15th; unpublished memorial of that date, Albany B. 1:9; three undated memorials, printed in Van Rees, ii., as Appendices vii., viii., ix., pp. 442-453, and identical with Alb. B. 1:8, and B. 1:6, and B. 1:7, respectively. Internal evidence and the name of the chairman to whom two of them are addressed, taken in connection with the resolution of the States General on June 23d (Hague MSS.), make it necessary to assign June, 1622, as their date (Bibliographical Appendix, II., Nos. 9, 10, 11).

¹³⁸ Resolutions of the States General, Aug. 2, 4, 1622.

year before, and the United Provinces were now completely drawn into the great European conflict. The army of the archduchess had attacked Juliers successfully, and Sluys unsuccessfully. Count Frederick Henry had ravaged Brabant, and in July of this year Spinola had formed the siege of Berg. When Usselinx reached Prince Maurice, the latter was at Gravenweerd (now Schenkenschanz, near Cleve), away from the main body of his army, watching Cordova; and Count Mansfeld and Christian of Brunswick, with the army which the fugitive king of Bohemia had dismissed and the States had temporarily engaged, were already on their way to assist him and raise the siege of Berg, cutting their way through Cordova's forces at Fleurus on the 29th of August.¹³⁹ It was on the next day that Usselinx received from the Prince the letter he desired; and at once he returned with it to the Hague. The letter requested the States to take such action as they thought fit upon the suggestions made by the petitioner, and urged them, in view of his great labors and services in behalf of the company, still continued with so much zeal, to give him some suitable recompense.¹⁴⁰

But the recommendation had no further result than the appointment of a committee, a reference of the matter to the States of Holland, or to the directors of the company, recently elected against his advice, and an attempt to elicit information from him as to collecting subscriptions, at which he seems to have been thought especially skilful. Finally, in November,

¹³⁹ Gindely, *Geschichte des dreissigjährigen Krieges*, iv., pp. 375-7; Opel, *Der niedersächsisch-dänische Krieg*, i., pp. 370-3; Le Clerc, *Histoire des Pais-Bas*, ii., pp. 76-80; F. Halma, *Tooneel der vereen. Ned.*, s. v. Gravenwaerdt.

¹⁴⁰ The stadtholder's letter is given in full, in Dutch, in the *Octroy ofte Privilegie*, of 1627, and as Appendix C to the *Auszführlicher Bericht*, in *Arg. Gust.*, p. 55; in German translation in the *Auszführlicher Bericht* of 1626; in Swedish translation in the *Vthförligh Förklaring* of 1626. A summary is in the *Resolutions of the States General*, Sept. 1, 1622 (Hague MSS.). In the *Memorie aenwysende* of Oct. 3, 1644, Van Rees, ii., p. 472, a letter from the Prince dated Gravenweerd, Sept. 17, 1622, is referred to; but it would appear from Gardiner, *Prince Charles and the Spanish Marriage*, ii., p. 228, that by that time Maurice was at Breda; probably then the letter in *Arg. Gust.* is meant, but misdated.

they gave him six hundred guilders, in confidence that he would do all he could to get subscribers under the present charter; and agreed to recompense him according to the amounts obtained. He replied that he would do what he could, if they would at least pay him the thousand guilders promised in July, 1620, which it seems they had never done; but he once more expressed himself as having little hope of getting adequate subscriptions unless his amendments were adopted. He was willing, if they would give him regular employment, to make valuable disclosures to them; for, in the course of thirty years spent in the study of the subject, he had gathered information which others, even if they had visited those countries, did not possess. In a memorial exceptionally long even among those written by him, which he presented a little later, he compares the rewards he had requested with those given to Columbus, who had been made admiral and governor of all the lands he should discover, with the right to one tenth of the revenues thence derived; he disclaims, however, any intention to compare himself with Columbus, though at the same time he reminds those to whom the paper was addressed with how much uncertainty, and indeed misapprehension, the expedition of Columbus had been undertaken.¹⁴¹

Their High Mightinesses no doubt resolved that, however apt his comparison of himself with Columbus might be, their suitor did not suffer from lack of certainty as to his views; they must have thought him opinionated, importunate, tedious, intractable. Yet his real willingness, in spite of all his clamor for pay, to be of use to the company, is evinced by an anonymous pamphlet published in two editions in the earlier part of this last year, of which there can be little doubt that he was the author. It is entitled "Brief Exposition and Exhortation to all Lovers of the Fatherland,

¹⁴¹ Resolutions of the States General, Sept. 9, 23, Oct. 8, 26, Nov. 3, Dec. 20, 1622, Feb. 16, March 22, 1623; of Holland, July 26, 1622. Memorial of the beginning of November, Van Rees, ii., Appendices x. and xi., pp. 453-6; unpublished memorials of Nov. 6, 1622 (Albany, B. 1: 11), and Feb. 24, 1623 (Hague MSS.); *Mercurius Germaniae*, p. 47, in Arg. Gust.

to subscribe liberally to the West India Company,"¹⁴² and was printed at the Elzevier press. Speaking of the dissatisfaction with the constitution of the company, which was deterring some from subscribing, the writer declines to discuss this point, as the government had fixed the constitution after full deliberation; but he reminds such persons that amendments, if they are really reasonable, can be secured subsequently. For the rest, the pamphlet, though it has not the literary merit of those published in 1608, is a strong and able presentation of the company's cause. In a simple and straightforward manner he shows how useful such a company will be to the state, and how entirely adequate are the resources of the country to the work proposed, provided the rich subscribe as liberally as the poor have done. He exhibits the advantages which the successful establishment of the company will bring to shipwrights, etc., to sailors, to colonists, to traders and investors generally, and sets forth with especial emphasis the resources for trade possessed by the West Indian regions.

There is another anonymous pamphlet of this same year which may with good reason be ascribed to Usselinx. It is entitled: "Political Discourse on the Well-being of these United Provinces, now again at open war with their enemy,"¹⁴³ and was occasioned by a *quaeritur* or interroga-

¹⁴² Korte Onderrichtinghe ende vermaeninge aen alle liefhebbers des Vaderlands, om liberalijcken te teecken en inde West-Indische Compagnie, etc. For full title, see Bibliographical Appendix, I., Nos. 8, 9. For an opportunity to examine this pamphlet, I am indebted to the kindness of Mrs. John Carter Brown and J. Nicholas Brown, Esq., of Providence, R. I. Laspeyres first attributed it to Usselinx, (Bibl., No. 39); and internal evidence supports this. The date is fixed to the earlier part of the year by the conclusion of the "Extract uyt de Waerschouwinghe by de ghemeyne Directeurs ghedaen," which occupies the last page; viz., that after the last of next July, directors shall be chosen. They were chosen in the autumn of 1622; Asher, p. 52; Resolutions of Holland, Oct. 26, 1622.

¹⁴³ Politicq Discours, Over den welstandt van dese vereenichde Provintien nu wederomme, etc. For full title, see Bibliographical Appendix, I., Nos. 10, 11. For a transcript of this pamphlet, I am indebted to Dr. W. N. du Rieu, librarian of the university of Leiden; I do not know that there is any copy in this country. It was attributed to Usselinx by Laspeyres, (Bibl., No. 46); this seems correct, for in the Waerschouwinghe over den Treves, p. 12, (*ed.* of

tory, which had fallen into the author's hands, wherein some one of the opposite party sought by pointed questions to urge that to continue the truce would be much better than to resume war. Accordingly the writer proceeds to show that the country had been in a most flourishing state before the truce, that the enemy had inveigled the States into the truce as the best means of undermining their power, had fostered the internal dissensions of the Dutch during the truce, and derived all the advantage from it, the prosperity of the Netherlands meanwhile declining. Then follows an appeal to prosecute the war energetically and patriotically, particularly by sea; and especially "to carry out the heroic design of the West India Company," the advantages of which are urged with arguments which are already familiar to us, and which, it must be said, are much more satisfying than the author's reasonings upon recent political history and matters of state, which were plainly *ultra crepidam*, and which he surveys with much prejudice and little insight.

But in his plans for the company, it was still trade upon which the mind of Usselinx was chiefly set. He does not think all naval and military expeditions on the part of the company to be necessarily inexpedient; indeed he seems to have planned one against Peru. But he generally opposes those suggested by others, as based upon too small estimates of the power of Spain in those regions and of the forces which will be necessary in order to overcome it, and gives, in one of his memorials, a dramatic account of the way in which he confuted a sciolist who presumed to suggest such an expedition without having devoted thirty years to the subject. The man, who had lived twenty-four years in Peru, was talking of the riches of that country, and declared that he had frequently advised that, in order to get hold of all this wealth, six or seven ships be sent around into the Pacific Ocean to fall upon the annual silver fleet as it went from Callao to Panama. Usselinx at once showed him, by the example of Spilbergen's voyage, how such an enterprise, even if success-

ii. + 30 pp.) Usselinx mentions a discourse published by him after the truce, in which he showed how disastrous its effects had been.

ful, would only put the Spaniards on their guard, without inflicting any serious damage upon them. He proved to him how difficult it would be to make such an attack secretly, how easily it could be evaded, how hard it would be for the Dutch ships, which could not ordinarily pass the Straits of Magellan before February or March, to intercept the silver fleet, which left the port of Lima in May. The man acknowledged that Usselinx was right, and said that he had not thought of these things, but that it would be a good thing if it could be done. "Whereupon," says the indignant Usselinx, "I answered in amazement, 'How can people talk so lightly about a matter of so much importance, and advocate things they have so little considered; and now you yourself have acknowledged that the Spaniard ordinarily has a fleet of twelve ships there, and can at need bring up eight or ten thousand infantry and a thousand or fifteen hundred cavalry, so that you can plainly see that operations so expensive and so remote cannot be built on so slight foundations'; whereby your High Mightinesses see how people can make an affair seem either great or small, to suit their designs;" the obvious inference being that they had better give their exclusive confidence to the undersigned Willem Usselinx.¹⁴⁴

V.—WITHDRAWAL FROM THE NETHERLANDS.

*Nos patriae fines et dulcia linquimus arva ;
Nos patriam fugimus.*

—VIRG. Ecl. I., 3, 4.

It was very hard for Usselinx to give up hope of obtaining what he thought to be his just dues, or to consider any rebuff as final. But even to his sanguine and persistent mind it began to look as if the end were nearly reached. He was still confident that the main cause of the delay in satisfying him was, that he knew too much of the matter and his enemies too little; that his enemies consisted of Spain and its adherents, Papists and Arminians, the envious, the selfishly interested, and those who entertained a prejudice against his

¹⁴⁴ Unpublished memorials of June 15, 1622 (Albany, B. 1 : 9) and Feb. 24, 1623 (Hague MSS.).

judgment in such a matter because he had not been successful in managing his own property. But his confidence of success in making head against such an array of opponents at present was manifestly decreased, though he hoped that "by and by, when the bad humors in Holland were evacuated," he might get his dues. But under the present circumstances, he tells us, he resolved to give them no more advice, still less reveal any secrets; for though he had presented to them more than a hundred memorials and had as many conferences with them, he had not told them in full where it was best to begin the operations of the company; his views on that point had only been read aloud to them in his presence.

A hindrance of especial consequence throughout these negotiations had been the frequent changes of personnel of the committees. The pensionaries, syndics, and secretaries of towns were, to be sure, mostly permanent; "but their wisdom," says Usselinx, "was chiefly Latin, they were full of prejudices, and when the committees, whose wisdom was chiefly in their purses, assembled, these persuaded them that it was of no use to read my writings, since I had no Latin wisdom nor understanding in my purse. So they went back and persuaded their principals that cucumbers were lanterns." As an instance of the way in which such rotation in the representative bodies brought him delay and disappointment, he relates that at one time (it was probably in April, 1622), in the States of Holland, sixteen out of the nineteen votes were cast in his favor; but that one of the committee had to go away, and another was by the factionists put in his place, who was an enemy to Usselinx because he would persist in forwarding the business of the company, and because he had learned of the treasonable correspondence of some of them and told the Prince of it. Whereupon this one, having charge of the report, caused the final decision to be unfavorable. Another obstacle arose from their having caused the directors of the company to be chosen prematurely, as he thought; and the directors proved indisposed to favor his claims, especially, it would seem, after the States General had,

much to his vexation, shown them certain letters received from him.¹⁴⁵

With the summer of 1623 the limit of the projector's patience was reached. The States General, after trying to induce him to accept, in lieu of his claims, a salary of four thousand guilders per annum as agent in collecting subscriptions, concluded to wait till the meeting of the governing board of the company (the Nineteen) at the Hague. Then ensued several conferences, in which Usselinx proposed, as his ultimatum, that he should receive two per cent. of all subscriptions he got beyond five millions, one fifteenth of all the profits the state should derive from the company, and one fourth of the brokerage. The States refused the first and second, but, sensible of the service he might yet do them, resolved to refer the third request favorably to the Nineteen, to give him six hundred pounds of forty groats, and promise him more if he succeeded well. But he adhered to his previous demands and refused to make further disclosures unless these were satisfied, being unwilling, as he phrased it, to shoot away all his arrows. About the same time the States of Holland finally refused him redress.¹⁴⁶

It remained only to make one last effort. In August, 1623, Usselinx prepared a summary statement of all the services he had done the country in the matter of the West India Company, to be handed in to the States General. He names witnesses who can substantiate all his statements, and asks: first, whether they will not trust so good witnesses and

¹⁴⁵ Anhang dieses ausführlichen Berichts, in Arg. Gust., pp. 47, 48; the two unpublished memorials just referred to, note 140. The letters mentioned were dated Oct. 26, Dec. 20, 1622, Feb. 15, 1623; the resolutions of the States General of Oct. 26th, Dec. 20th, Feb. 16th, notice their receipt, but the letters themselves appear to be no longer extant.

¹⁴⁶ Anhang, pp. 47, 48; resolutions of the States General, May 2, June 3, 14, 21, 27, July 8, 1623. The resolution of the States of Holland referred to, I do not find; in the *Memorie aenwysende* of Oct. 3, 1644, its date is given as July 24, 1623, in the *Anhang dieses ausführlichen Berichts*, Arg. Gust., p. 50, July 4, while in the Swedish edition of the *Auszführlicher Bericht*, the *Vthförligh Förklaring*, L. iv., the date June 4 is given. I am indebted to Mrs. John Carter Brown and J. Nicholas Brown, Esq., for the opportunity to use this very rare Swedish pamphlet.

the evidence of the actual events; and second, what is to be thought of those who oppose this matter without really understanding it; are they not true Nabals, whose brains sympathize with their purses, as the sea with the moon? He begs them to consider the question, whose fault it is that the project has thus far succeeded so ill; of him who tirelessly promoted it and predicted the evil of the course adopted, or of those who urged the latter; and whether they ought not therefore to be changed. Since all the world thinks this the most important hope of the Netherlands, ought he not to have a recompense? Even if others understand the matter better and have improved the project, ought not he who started it to have something? Or, if thought too old and weak for further service, is this a reason why he should be cast aside unrewarded?¹⁴⁷

The appeal was an impressive, and even a pathetic one; but it was vain. The States General read it, but took no other action than to refer the petitioner to the Nineteen, or council of the West India Company, giving him a letter of favorable recommendation to them. But Usselinx delivered neither this letter nor his summary statement, for the Nineteen would not meet for some time, nor did he conceive that it was they who owed him, nor that, when they met, any thing good was to be expected of them. He therefore definitely resolved to abandon all such efforts and, with great regret, to leave the ungrateful republic to whose service he had given more than thirty of the best years of his life, and seek elsewhere the means of gaining a livelihood and of paying his debts.¹⁴⁸ We may well enough fancy that the weight

¹⁴⁷ This letter is to be found in Dutch, under the title *Sommier Verhael*, etc., in the *Octroy ofte Privilegie* of 1627; in Swedish, under the title *Summarisk Berättelse*, in the *Vthförligh Förklaring* of 1626; in German (with wrong date, Aug., 1622) in the *Auszführlicher Bericht* of 1626, and in the *Argonautica Gustaviana*, pp. 51-54, as well as in *Joh. Marquardi de Jure Mercatorum et Commerciorum*, vol. ii., sub lit. M. For fuller discussion of these editions, see *post*, notes 184, 185; *Bibliographical Appendix*, I., Nos. 15, 16, 20, 26, 27.

¹⁴⁸ Resolutions of States General, Aug. 25, 1623; *Anhang*, in *Arg. Gust.*, pp. 43, 50; *Memorie aenwysende*, Van Rees, ii., p. 465. In a pamphlet entitled *Some Account of William Usselinx and Peter Minuit*, by Joseph J.

of his disappointment at departing thus from his country was increased by the fact that, at just about the same time, Jacob Willekens, Piet Heyn, and Jan van Dorth, with thirty-two ships and sixteen hundred soldiers, set out from the Texel to make the first expedition of the Dutch West India Company, so that the unhappy Usselinx was forced to go away just as the fruits of his labors were beginning to show themselves.¹⁴⁹

The declared purpose of Usselinx on leaving the Netherlands, which apparently he did in the autumn of 1623, was to go to Danzig, to serve as agent at that city for several Dutch mercantile houses. Danzig was at that time a prosperous city, already famous for its grain trade, which during the latter part of the last century had given a great impetus to the growth of the town; and now that the war interrupted the trade of the Netherlands with Spain and the Atlantic regions, Danzig had rapidly become one of the chief points in their commercial system. On the way, however, he wished to visit the new cities of Glückstadt and Frederikstad in Holstein, and Gothenburg in Sweden.¹⁵⁰ Glückstadt, on

Mickley (Papers of Del. Hist. Soc., IIL.), p. 8, the version is given that "the States-General positively refused to settle his claim on the 4th of July, 1623"; which, it will have been seen, is doubly erroneous. I think it necessary to say here one word concerning that pamphlet. A note at the foot of its first page says, "Most of the materials used in this paper were taken from original unpublished documents preserved in the libraries of Sweden, where I procured copies of them during my sojourn in that country." So far as I can see, this is true only to the extent of about one or two pages out of the seventeen relating to Usselinx. All the rest is taken, in nearly all cases word for word, though often with execrably bad translation, from the *Argonautica Gustaviana*. It is a pity to have to say such things of a production which, though abounding in errors and evincing little historical information, was usefully intended and industriously carried out. The letter of the States General is printed in Dutch in the *Octroy ofte Privilegie*, and the *Arg. Gust.*, p. 55; in German translation in the *Ausführlicher Bericht* of 1626; and in Swedish translation in the *Vthförlich Förklaring*.

¹⁴⁹ *Algemeene Geschiedenis des Vaderlands*, iii: 3, p. 830; *Le Clerc*, ii., p. 88; *De Laet*, *Historie ofte Jaerlijck Verhael*, p. 8.

¹⁵⁰ *Briefue Declaration de la principale Cause*, etc., dated Paris, Dec. 1, 1634, of which I have copies both from Paris and from Stockholm, beside that among the Mickley MSS., in the library of the Historical Society of Pennsylvania; *Bibliog.*, II., No. 59; *Memorie aenwysende* of Oct. 3, 1644, in *Van Rees*, ii.,

the Elbe below Hamburg, had been founded in 1617 by the restless and ambitious Christian IV. of Denmark, to protect the western side of his dominions, and especially to become a great centre of commerce and divert trade from Hamburg. Its fortification in 1620 had caused great uneasiness in the Netherlands, then allied with the Hanse towns.¹⁸¹ The origin of Frederikstad was such as to make it for still other than commercial reasons interesting to a traveller from the Netherlands. After the Contra-Remonstrant revolution of 1618 and 1619 in that country, a considerable body of prominent and wealthy Arminians, fleeing from their native land, asked the permission of Christian IV. to settle in his new city of Glückstadt. But the orthodox clergy of Denmark induced the king to refuse, and they turned to his nephew, Frederick III., duke of Holstein-Gottorp, who received them with open arms and gave them extensive privileges. They proceeded to establish upon the Eider a town which they named after him, and which they built in the Dutch style, making it the handsomest and most regular town in the duchies, well worthy the inspection of any travelling Netherlander, however great his aversion to Remonstrants as such.¹⁸²

p. 455. Fynes Moryson's *Itinerary*, part i., p. 62; on p. 63 he tells us that the village of Zunzane, apparently some thirty miles from Danzig, was "inhabited by Hollanders, who haying dried the Fen, made the fields much more fruitful," [A. D. 1593]. Possibly some of these kindred spirits may have additionally attracted the ex-opperpoldermeester; no doubt, however, there were many other Netherlanders in and near Danzig. See also, on Danzig, a letter of Camerarius to Oxenstjerna (1626), in M. G. Schybergson, *Sveriges och Hollands diplomatiska Förbindelser, 1621-1630*, No. 36 of the *Bidrag till Kännedom af Finlands Natur och Folk*, of the Scientific Society of Finland, p. 416.

¹⁸¹ J. H. Schlegel, *Geschichte der Könige von Dänemark aus dem oldenburgischen Stamme*, ii., (1777) pp. 66, 88, 89; G. L. Baden, *Danmarks Riges Historie*, iv., p. 24; Molbech, *Kong Christian den Fierdes egenhændige Breve*, p. 369. On the relations of the States General to Christian IV., Opel, *Der niedersächsisch-dänische Krieg*, i., pp. 54-65.

¹⁸² Baden, iv., pp. 22-23; Schlegel, ii., p. 66; Holberg's *Dänische Reichs-Historie*, (I have had access only to the German translation, Flensburg, 1743), ii., pp. 706, 707. Vondel has a brief poem in which he celebrates the tolerant course of Frederick of Holstein; *Werken*, ed. J. van Lennep, vi., p. 94. For Usselinx's opinion of Remonstrants see *Waerschouwinghe over den Treves*, p. 2, where he classes them with free-thinkers, apostates from the reformed religion, and heretics.

It may well enough be doubted, however, whether the sole purpose entertained by Usselinx was, after gratifying his curiosity by the sight of two or three interesting cities, to go on his way to Danzig and devote himself to commercial business there. In the long memorial of the preceding February, already mentioned, a passage occurs which lends support to another view. In speaking of Columbus, he calls to mind how, at the court of the king of Portugal, "certain self-important and inflated men" opposed the projector; how the king, after getting all possible information from him, attempted secretly to send out an expedition independently of him; and how Columbus, disgusted with this, betook himself to the king of Spain, and with his aid carried out his scheme. Taken in connection with the comparison of Columbus and the writer, which follows, the passage is significant. *Ecce, convertimur ad gentes.*

A passage in the resolutions of the States General, some two years and a half before this, leads to a confirmation of this belief. Willem Eusselincx, it reads, has informed the president that Heer Ulenfelt, ambassador of Denmark, has asked him for information concerning the West India Company, so he has written out what has so far been resolved upon, but does not wish to give it over without knowing their High Mightinesses' good pleasure. Jakob Ulfeldt, sent as envoy to the States in 1621, and father of the famous and unfortunate Count Corfits Ulfeldt, was the chancellor of the kingdom of Denmark.¹⁵⁸ It was, then, we may feel sure, no accident that Usselinx, after seeing Glückstadt and Fredrikstad, repaired to Copenhagen.

Christian IV., King of Denmark (the same king of whose visit to his royal brother-in-law Harrington in the *Nugae Antiquae* has left so amusing an account), was an active and energetic monarch, who, in addition to great zeal for the improvement of his large dominions in all ways, took an especial interest in all matters of navigation and commerce. In 1616 he had founded a Danish East India Company, not just

¹⁵⁸ Memorial of Feb. 24, 1623; resolutions of the States General, May 12, 1621. Schlegel, ii., p. 96; Baden, iv., p. 61; Opel, i., p. 147.

now very successful, which was managed principally by Netherlanders. Accordingly, in spite of all the preoccupations of the Danish court this year, 1624, with the Swedish negotiations at Knäröd in May, Anstruther's mission in July, Christian von Bellin's in August, and all the preliminaries of the fatal conflict into which Denmark's intervention in Lower Saxony was to bring her, time was found to hear the noted projector of the Dutch West India Company.¹⁵⁴ Through Christian Friis the king's secretary, who, by the way, had himself served in the Netherland wars, his former acquaintance Ulfeldt, and Jan de Willem, a Dutch refugee who had become the king's chief commercial agent, an offer was made him of a considerable salary per annum, if he would enter the service of the king. But Usselinx resolved to go on to Gothenburg. It is a significant commentary on what he in various places says of the way in which his ideas were plagiarized, that, soon after he has gone, we find Jan de Willem obtaining a patent for eight years for a trading enterprise to America and Guinea; of which, however, nothing seems to have come.¹⁵⁵ An additional reason, by the way, for Usselinx's not going to Danzig at once, may be found in the fact that, in the summer of 1624, a severe pestilence was raging there.¹⁵⁶

In 1624 no small number of Dutchmen were to be found in Sweden. In the work of bringing Sweden out of its obscurity into full participation in the life of civilized Europe, the kings of the house of Vasa had made use of them, as the czars a century later used Germans, and perhaps

¹⁵⁴ On the early history of the Danish East India Company, Schlegel, ii., pp. 68-72; Baden, iv., pp. 25-33. On the Congress at Knäröd, at which both Friis and Ulfeldt, as well as Oxenstjerna, were present, Baden, iv., p. 61; on other events in Denmark, Opel, i., pp. 58-65.

¹⁵⁵ Briefue Declaration of Paris, Dec. 1, 1634 (Bibliography, II., No. 59); *Memorie aenwysende*, in Van Rees, ii., p. 466. I do not think I can be mistaken in identifying the "facteur Jan de Wilm," whom Usselinx there mentions, with the Johan de Willem mentioned in Schlegel, ii., pp. 59, 72; Baden, iv., p. 33. His patent was dated Jan. 25, 1625. On Friis, see Schlegel, ii., p. 58; Molbech, p. 34.

¹⁵⁶ Letter of Christian IV., Aug. 4, 1624, in Molbech, *Kong Christian den Fierdes egenhændige Breve*, p. 177.

in greater number than the members of any other nation. Moreover, because of the devotion of the Netherlands to trade, and the preëminent position which they enjoyed in it, merchants of that nation were probably to be found in every commercial city of Europe. In Sweden they were no doubt most numerous in Gothenburg. King Charles IX. had founded that city with a special purpose, easy to divine if one remembers what the boundaries of Sweden then were. Not only Norway, but much of the southeastern portion of the peninsula belonged to Denmark. On the one hand Blekinge, Sconia, and Halland, on the other hand Bohuslän, were hers, and the entire sea-coast enjoyed by Sweden upon the western sea, and outside the range of the Sound dues, consisted of less than twenty miles. The town founded here was accordingly a matter of special concern to Charles IX. and his son, and was endowed with exceptional privileges in order to attract thither immigrants from Scotland, Germany, and especially the Netherlands. The first burgo-master of the town after its rebuilding by Gustavus Adolphus, a few years before this, was a Netherlander, Abraham Kabbeljouw, a man high in the confidence of the king and, as a strong Calvinist, likely to be congenial to Usselinx. Another Dutchman enjoying much of his favor was Jacob van Dijck, of Haarlem, the present burggrave of the town, who had formerly been employed by the king in frequent diplomatic missions and as his agent in the Netherlands.¹⁸⁷ On the arrival of Usselinx, Van Dijck and another friend, named Hoeffnagel, insisted on his remaining there until the arrival of the king, who was expected to come to

¹⁸⁷ On Gothenburg, see *Argonautica Gustaviana*, p. 17; Geijer, *History of the Swedes*, tr. Turner, p. 230. On Kabbeljouw, Vondel's *Werken*, ed. J. van Lennep, ii., p. 689; it was his daughter Margaret whose giving birth to an illegitimate son by Gustavus plays so important a part in the romantic story of Ebba Brahe; Fryxell, *Berättelser ur Svenska Historien*, i., p. 41. The Dutch Calvinists afterwards worshipped in his house at Stockholm; *Svenska Riksrådets Protokoll*, ed. N. A. Kullberg, i., pp. 115, 117. On Dr. J. van Dijck, Droysen, *Gustaf Adolf*, i., pp. 65, 77, 86, 103, 110; *Svenska Riksrådets Protokoll*, ed. Kullberg, i., p. 139; Schybergson, *Sveriges och Hollands diplomatiska Förbindelser, 1621-1630*, pp. vii. xvi.-xviii.

the city soon, and having audience of him. Usselinx accordingly remained and had a conference with the king, which, the reader will not be surprised to learn, lasted six hours, and in which he proposed to him the erection in Sweden of a general trading company, and supported his proposition with arguments satisfactory to the king.

These seem to have been followed by a written exposition of the commerce which, by the erection of such a company, the kingdom of Sweden might obtain. The document is one of considerable interest to the student of the history of commerce. Beginning at the Straits of Gibraltar, the writer describes the productions and exports of the various countries of Africa, Asia, America, and Magellanica, and the goods suitable for trade with each; the whole showing great and minute knowledge of the trade of the less-known parts of the globe. It is interesting to note, in his discussion of Africa, his belief in the existence of a great inland lake of Zaire, out of which flowed the great river Mauicongo, as well as the Niger and the Nile; as also, in the paucity of our information concerning his private life, his mention of the servant he had from the regions of the Amazon, who was with him for three years, learned to read and write, made profession of Christianity, and was baptized at Amsterdam. His highest expectations seem to have been based on trade with Abyssinia, and with Terra Australis or Magellanica, which he supposed to extend from New Guinea on the west to the Straits of Magellan, if not to the Cape of Good Hope, on the east; but these expectations seem to have been based on little else than the fact that not much was known of those regions.

Of the possessions of the English in Virginia Usselinx expresses the opinion that they will not prove very remunerative, being too cold to produce the things most valued in Europe, while as for bringing thence the grains and fruits raised in Europe, the distance is too great; "and if they bring over too much they will injure England; indeed it is said that for this reason they do not allow any sheep to be carried over there, feeling that their wool-trade would be in-

jured; what they now import is tobacco, furs, wood, ashes, and it is said that they have discovered some good copper mines." A similar opinion is expressed of Florida, while Terra Nova and Nova Francia have already been dismissed from consideration as being too cold. As the result of these oral and written representations of Usselinx, the king at once made him offers so advantageous that he forthwith resolved to enter the service of Gustavus Adolphus and devote himself to the furtherance in Sweden of a scheme not unlike that to which his best years had been given in the Netherlands, and having similar results in America.¹⁵⁸

VI.—GUSTAVUS ADOLPHUS AND THE SOUTH COMPANY.

Jagh troor och wist i Handelsmän,
 J måste thet bekenna;
 At aldrih någhon Konung än
 Fordrad edher som thenna;
 Han hafwer på åthskilligh sätt
 Mang prijsligh Compagnie vprätt,
 Som kunde Rijket båta,
 Om man ey will försumma thet,
 Städher han och vpbyggia lät.
 Men nu må j wel gråta.

—HYLTÉN-CAVALLIUS AND STEPHENS, *Sver. Hist.*
 och *Pol. Visor*, p. 305 (ballad on death
 of Gustavus).

The conference which so swiftly decided the subsequent career of Usselinx cannot have taken place earlier than the middle of October, 1624. His complete draft of a charter is dated November 4th¹⁵⁹; on the 10th the prospectus or "Mani-

¹⁵⁸ *Memorie aenwysende*, in Van Rees, ii., p. 466; Briefue Declaration, (Bibl., II., No. 59). From the statement of Oxenstjerna, quoted by Geijer, p. 210, it appears that Gustavus spoke Dutch fluently.—The memorial alluded to is entitled *Aenwysinge van den Coophandel* (Stockholm MSS.). For full title and a discussion of it, see Bibliographical Appendix, II., No. 21.

¹⁵⁹ It appears from Geijer, p. 230, n. 4, that Gustavus visited Gothenburg but once in 1624. He was at Stockholm on August 24th, proceeding westward was at Jönköping on October 12th, at Elfsborg, the castle of Gothenburg, on October 21st to 25th; Opel, *Der niedersächsisch-dänische Krieg*, i., pp. 77, 78; and Moser's *Patriotisches Archiv*, v., p. 67. The complete draft of charter (Stockholm MSS.) being in Dutch, I do not hesitate to ascribe it to Usselinx; Bibliography, II., No. 19.

fest" of the new company, drawn up by him, was issued, and, to anticipate a little, the document authorizing Usselinx to begin collecting subscriptions for it was signed the next month, the charter a year and a half later. At first sight we might be disposed to find in the rapid progress of these measures, when compared with the thirty years' delays which, in the Netherlands, intervened between the inception of the project and the issue of the charter, evidence only of the superiority in promptitude of a centralized monarchical government wielded by such a man as Gustavus Adolphus, over a many-headed republican government like that of the Lords States General, with its centrifugal proclivities and its slow and cumbersome machinery. No doubt this greatly aided the efforts of Usselinx; but there was another point of contrast between the two countries which was quite as important. The Netherlands, and especially Holland, were at this time perhaps the wealthiest country in Europe, at any rate the most thoroughly versed in all affairs of trade. Sweden was one of the poorest, and in commercial matters one of the most inexperienced; all the merchants in Sweden, Usselinx declares, are not so rich as three in Holland, nor a hundred of the farmers as rich as one there.¹⁰⁰ In the one country, the power of carrying out large commercial enterprises by individual initiative had become highly developed; in the other it was nearly absent, and the projector of a great trading company did not have to encounter at every step the hostility of competing interests.

Again, the government, instead of being largely composed of the representatives of such competing interests, and in general of full-grown mercantile cities, was necessarily and frequently engaged in paternal efforts to stimulate commercial activity, and indeed all kinds of industrial life, within the newly awakened kingdom, now just recovering from exhaust-

¹⁰⁰ *Waerschouwinge over den Treves* (ed. of ii + 30 pp.), p. 17. The entire revenue of the crown amounted in 1620 to only 1,280,000 dalers, say \$800,000; Gfrörer, *Gustav Adolph*, p. 43. I may as well say here that, balancing various inconsistent computations of Usselinx, and statements obtained elsewhere, I have concluded to reckon the daler of that time as equal to 67 cents, the rixdollar to a dollar, or 2½ florins.

ing wars. Elsewhere in Europe, mercantilism had grown up as a national product, modified in many ways by the economic conditions of the various countries. In Sweden, on the contrary, it was introduced suddenly and without reference to the previous economic life of the nation, and carried out to an extreme of theoretical completeness by the strong hand of an energetic administration. Foreign trade, as drawing in money from without, became in a peculiar degree a concern of the government, which hedged it about with many restrictions, tending to secure the monopoly of it to a few large towns, formally designated as staple-towns. The burghers of these towns were prohibited from engaging in internal trade, which was then thought unprofitable to the state, and was confined to a minimum, entrusted mainly to the citizens of other towns, and made subservient to the interests of foreign trade. But the lack of capital and consequent subjection to foreign competition had already turned the attention of the government to the expediency of combining capital by forming companies. The proposals of Usselinx therefore fell in entirely with the designs which the young king had, tentatively and with less definiteness and fulness of information, been urging upon the attention of his kingdom; he found the way already prepared for his gospel of transatlantic, or, (in its present more general form) extra-European, commerce.¹⁶¹

Already in the preceding reign, in 1607, a Gothenburg Company had been chartered for purposes of internal and external trade¹⁶²; but the troubled reign of Charles IX. was not a propitious time for such undertakings. Early in the reign of Gustavus Adolphus, in the interval after the conclu-

¹⁶¹ I have derived much information respecting the Swedish commercial legislation of the period from E. G. Palmén, *Historisk Framställning af den Svensk-finska Handelslagstiftningens Utveckling från Gustaf Wasas Regering till 1766*, Helsingfors, 1876. See, here, pp. 7, 8, 65, 71, 72, 88, 89, 100. Also from J. W. Arnberg, *Om Författningarne för Svenska Handels Upphjälpande under Gustaf II. Adolfs Regering*, Upsala, 1854. See pp. 6, 7, 11, 23-25, 31-36.

¹⁶² A. A. von Stiernman, *Samling utaf kongl. bref, stadgar och förordningar angående Sveriges rikes commerce, politie och oeconomie*, ii., p. 538; Arnberg, pp. 26, 27.

sion of the Danish war, an ordinance for the regulation of trade was issued at Örebro in 1614; the most important of its provisions respecting foreign trade was that forbidding foreign merchants to trade in Sweden, except in certain designated seaports, in which they were not to remain more than six weeks—a Chinese policy against which the English merchants loudly protested.¹⁶³ In 1615, by an ordinance issued at Wässby, the king declared his purpose to strengthen Swedish commerce by founding a general company. The provisions of its charter may prove of interest when we come to consider that prepared by Usselinx and issued in 1626. It was to continue in existence ten years and have general privileges of foreign trade, as well as certain privileges of preference as creditors. No subscription was to be of less than 800 dalers (say \$600). Twelve per cent. of interest was guaranteed the first year; after that, profits were to be divided according to shares. The management of the company was to be by a governor and directors, who were to be paid by a percentage on all goods bought, sold, imported, or exported. They were allowed to buy, sell, or hire ships, and to have a warehouse in every city, though Stockholm was to be their principal seat. The king promised to recommend the company to all princes, and to help it with ships and money; it was to be free of all taxes in 1615, during the next three years to pay no import duties and only one fourth of the usual export duties, and after that to pay one half the usual rate of each. Abraham Kabbeljouw was, the same year, appointed governor of the company.¹⁶⁴

The constitution thus framed contained several provisions resembling those against which Usselinx remonstrated in the charter proposed by the maritime cities of Holland for the

¹⁶³ Joh. Widekindi, Gustaff Adolphs den anders och stores historia och lefwernes beskrifning. i., pp. 214-219, 243; C. D. Arfwedson, De Colonia Nova Suecia, pp. 2, 3; Stiernman, i., p. 655; Loccenius, Historiae Suecanæ libri ix., p. 524; Gfrörer, p. 72; Arnberg, pp. 11, 12.

¹⁶⁴ Widekindi, i., pp. 274-277; Stiernman, i., pp. 660-668; Gfrörer, p. 72; Cronholm, Trettioåriga Kriget och underhandlingarna Sveriges i Tyskland, (of this I have had the use of the German translation only, the title of which I have not with me), p. 34 of trans.; Arnberg, p. 27.

Dutch West India Company. But it was no doubt rather the general indifference and inexperience, than any defects in the charter, which impeded the progress of the company. In one of the diets of 1617, the king spoke sharply to the representatives of the four estates about the general disobedience to the ordinance of 1614, and the neglect to support adequately the new company. But the burgher estate expressed so strong objections to the scheme that it was postponed. A long ordinance regulating trade was framed in that year, and privileges were issued to trading companies in 1619 and 1620. The Riksdag of this same year (1624) had established a copper company, an iron company, and a Persian company.¹⁸⁸

We know now that the year was one of intense preoccupation to the king, for he had already resolved on, was preparing, and but for the successful underbidding of the king of Denmark would have carried out, that intervention in the affairs of the empire and the European conflict, the execution of which, six years later, brought to him and the Swedish nation their greatest glories. Yet the truce now intervening in the Polish war, and covering the whole of the year 1624, probably did give him greater leisure to listen to projects beneficial to the industries of his country, even when proposed by a man to whom a memorial covering forty-three pages of foolscap seemed short, and a conference of six hours not too long.

It is interesting to observe, in the manuscript draft-charter of November 4th and in the printed prospectus of November 10th, how Usselinx, when he had full scope, arranged the provisional constitution of the company which the king, with a promptitude so gratifying to the proposer, had consented to establish. The printed prospectus contains only the outlines of those provisions which the intending subscriber would most need to know, omitting for the most part those which concerned only the relations of the company to the

¹⁸⁸ Widekindi, i., pp. 377-379, 388; Stiernman, i., pp. 690, 708, 718, 761; Hallenberg, *Svea Rikes Historia under Gustaf Adolf II. den Store*, v., pp. 191, 207, 211; Arnberg, pp. 16, 17.

crown. But in the manuscript draft, which was not altered when the charter was actually issued, we see the arrangements of the projector at length. His ideas were fixed. In every point, virtually, he adheres to the provisions which, three or four years earlier, he had advocated in his discussions with their High Mightinesses about the charter of the Dutch West India Company.

The General Commercial Company of the kingdom of Sweden, called also the Southern Company (*Australische* or *Söder Compagnie*), was to exist for twelve years (April 1, 1625, to April 1, 1637). For subscribers living in Sweden the term for subscriptions was to be April 1st, for the king's other subjects and for foreigners June 1st (afterward changed to May and July), each subscriber paying by four annual instalments. The directors were to be chosen by shareholders who had subscribed a thousand dalers (say \$700) from among those whose investments were of two thousand dalers or more. There was to be one for each hundred thousand dalers subscribed, and any district, town, corporation, guild, or person subscribing that amount, whether native or foreign, was entitled to be represented by one director. Three hundred thousand dalers should entitle a city to have a "chamber." The directors were to serve six years, and then, and every two years thereafter, a new board should be chosen, two thirds from the old board, one third from the committee of principal stockholders chosen to assist the directors and audit their accounts daily, a general audit occurring at the end of six years. The directors were to be paid by a salary of a thousand dalers per annum.

The principal management of the trading enterprises of the company was to be in the hands of a committee of twelve, chosen from among the directors of the various chambers in proportion to the amounts subscribed in the various cities. The government granted a reduction of imposts to four per cent., promised to protect the company, to build and equip any fortifications it might need, and not to take any of its vessels for the use of the state save by consent. The company was to have the right to make treaties

and alliances, foster colonies, defend itself against attacks, and appropriate any prizes its ships might take; but it was not to attack the possessions of Spain or other foreign powers. Four hundred thousand dalers were promised as a subsidy by the king, in return for which he was to receive one fifth of all the gold, silver, quicksilver, and other minerals obtained, and one tenth the produce of the lands occupied. A council, chosen by the king from among the principal shareholders, was to have charge of the political concerns of the company, matters of war, administration, justice, and legislation. Liberal concessions of supervision were made to foreign princes and republics subscribing largely.¹⁶⁶

The reader who recalls the arrangements urged by Usselinx in the Netherlands, will see that he was faithful to the ideas then professed, abandoning, in fact, scarcely a single detail. The limit of duration to twelve years, the extension of the territorial limits, so as to include Terra Australis and the east coast of Africa (and now also Asia, for Sweden had no East India Company), the apportionment of directors to amounts of capital subscribed, their payment by salary rather than by commissions, the strict supervision of their accounts, and their election by the stockholders,—all these features of the former project are repeated in this. Even the pecuniary qualifications for electors and for the directors themselves are much the same. The provisions for represen-

¹⁶⁶ The details of these two paragraphs are to be found in the manuscript draft referred to, dated Elfsborg, Nov. 4, 1624, but not bearing the king's signature (Bibliog., II, No. 19); being in Dutch, it is no doubt by Usselinx. The details of the first of these two paragraphs are to be found in the *Manifest und Vertragbrieff*, of Gothenburg, Nov. 10, 1624. For full title, see Bibliographical Appendix, I., No. 12. A Dutch draft of it (Stockholm MSS.) undated and unsigned, Bibliog., II, No. 18, by Usselinx, indicates that it is to be attributed to his hand. It differs considerably in text, except at the end, where these provisions are given. It not only is the source of this *Manifest*, but, slightly worked over, formed the basis of *Der Reiche Schweden General Compagnies Handlungs Contract*, and *Sweriges Rijkens*, etc.; Bibliography, Nos. 13, 14. Of the German *Manifest und Vertragbrieff*, Warmholtz, *Bibliotheca Historica Sueo-Gothica*, No. 7627, says: "och finnes jämväl trykt på Svenska." I have never heard of a copy of the Swedish edition, however; the German is rare.

tation of foreign subscribers reappear, as well as those for partial control by stockholders, and especially the favorite design of a Council of the Indies. The promise of the government not to appropriate the company's ships was a new provision, and, as afterward appeared, a significant one. Also, the aversion of Usselinx to government subsidies and exemptions from duties had disappeared; but the case was different with these in Sweden, where there was so much less individual wealth. Aside from this, the draft does not bear traces of special adaptation to the conditions of industrial life in Sweden. The earlier writings of Usselinx do not show him to have had much previous acquaintance with Swedish trade, and he had not yet had time to make himself familiar with it. Nor indeed was the course of his efforts henceforth such as to require him to make profound study of the national economic circumstances, so long as his designs satisfied the government.

The project which the well-informed and enthusiastic foreigner had urged upon the attention of Gustavus so convincingly was followed up by the king with characteristic promptness. On the 21st of December he issued at Stockholm a "Commission to Wellam Ussling, to establish a General Company for Trade to Asia, Africa, America and Magellanica."¹⁶⁷ In this, power and permission are given to Usselinx to travel about gathering subscriptions in Sweden and its dependent provinces (it should be remembered that Sweden now possessed Finland, Carelia, Esthonia, Ingermania, and part of Livonia, to which subsequent campaigns added parts of Courland and Prussia); and the administrators of provinces and districts, the burgomasters and councillors of towns, and all other officers, are charged to assist his

¹⁶⁷ There is a draft of this in Dutch, doubtless by Usselinx (Stockholm MSS.), Biblog., II., No. 20. A printed copy of the Swedish commission itself is to be found in the royal library at Stockholm, as I am informed by Madame Sjöberg. A MS. copy is among the Mickley papers in the library of the Historical Society of Pennsylvania; Professor Gregory B. Keen, the corresponding secretary of that society, kindly sent me a copy of it. A bad translation of it is printed in N. Y. Col. Docs., xii., pp. 1, 2. See also Stierman, i., p. 910; Hallenberg, v., p. 212; Arfwedson, p. 6.

efforts to establish a company from which so much benefit to the kingdom might be expected.¹⁶⁸

Mention has already been made of a printed prospectus issued by Usselinx at Gothenburg, Nov. 10, 1624. That prospectus was printed in German, perhaps also in Swedish. Usselinx kept the Dutch draft, and, with it as a basis, issued early in the next year, in German and Swedish, another prospectus, which differed little in substance from the former one. It is in form a blank for subscriptions, the undersigned giving notice that they have agreed to form in the kingdom of Sweden a general trading company. But the opportunity for propaganda is utilized, and the result is a small pamphlet, wherein the advantages of the scheme are set forth and its details described succinctly; the latter have already been given.¹⁶⁹ The writer shows how great wealth and power the king of Spain has acquired through oceanic commerce. The Netherlands, too, especially since the Brabanter, Flemings, and Walloons retired thither, have so gained in wealth that houses there now rent for as much as they formerly brought at sale. For all such commerce Sweden is naturally as well fitted as any country in Europe. (Gustavus had himself expressed the same opinion in even stronger terms.¹⁷⁰) The

¹⁶⁸ Before leaving the year 1624, I ought to say a word concerning a book of that year, of which Mr. B. Fernow, in a contribution to Mr. Winsor's *Narrative and Critical History of America*, vol. iv., p. 416, says that it is probably by Usselinx. This is the "*Westindische Spiegel*, by Athanasius Inga, Peruvian, of Cuzco," obviously a pseudonym. Mr. J. Carson Brevoort, who has kindly shown me his copy (which apparently belonged to De Laet), states that the attribution of the work to Usselinx rests merely upon a conjecture of his. I am convinced that it cannot be by Usselinx. In the first place, a book of three or four times as many pages as the *Argonautica Gustaviana* is not likely to have remained unnoticed in the list of 1644 and his other writings; secondly, it displays an intimate knowledge of regions which I do not believe Usselinx knew well, while of the Azores, the only one which he had visited, the account given has nothing of the additional fulness one would expect. Furthermore, Usselinx was probably not in the Netherlands in any part of the year of publication.

¹⁶⁹ The German edition is entitled *Der Reiche Schweden General Compagnies Handlungs Contract*; the Swedish, *Sweriges Rijkes General Handels Compagnies Contract*; see *Bibliographical Appendix*, I., Nos. 13 and 14. An inaccurate translation from the German appears in *N. Y. Col. Docs.*, xii., pp. 2-7.

¹⁷⁰ Arnberg, *Om Författningarne för Svenska Handelns Upphjälpande under Gustaf II. Adolphi Regering*, p. 23.

Swedes could carry more cheaply than the Spaniards, and could draw on greater masses of population. Over the Netherlands they have the advantage of cheaper materials, of the control of the Baltic trade, and of not being at war with Spain. Instead of the three or four per cent. which lands bring, such commerce may bring a hundred per cent. a year. The work will redound to the glory of God, to the benefit of the king and thus of all the people. The advantages to all orders of society are described: to the nobles, the bishops and ecclesiastics, the schools, the merchants, the farmers.

The first of April, the first of May, passed without the company's being started. The wide extent of the kingdom, throughout which it was necessary to spread the preliminary information, was doubtless one cause.¹⁷¹ But probably the most important was the king's preoccupation with other matters.¹⁷² Urged to interfere in behalf of the threatened Lower-Saxon circle and of Protestant Germany generally, he had eagerly sought an opportunity to do so. But, feeling the difficulties, he had refused to engage in the war unless England and the States General would promise adequate support, and deliver into his hands the sole conduct of the war against the imperialists. The King of Denmark had intrigued against him and then, successfully underbidding him, had won the dangerous prize of the leadership of the coalition. Gustavus, indignant, but willing to serve the Protestant cause in another region, turned his attention to the resumption of the war with Poland, which would at any rate keep Sigismund from helping the imperialists. Accordingly, on the 25th of June, he left Stockholm and sailed, with a large armament, for the coast of Livonia.¹⁷³ Usselinx remained in Stockholm.

¹⁷¹ *Vthförligh Förklaring*, preface Til Läsaren, p. ii.; *Octroy ofte Privilegie*, p. 14; also in *Auszführlicher Bericht*.

¹⁷² For the history of the negotiations of Gustavus in these months I have used Droysen's *Gustaf Adolf*, i., pp. 204-237; Opel, *Der niedersächsisch-dänische Krieg*, ii., pp. 228-233; Schybergson, *Sveriges och Hollands diplomatiska Förbindelser, 1621-1630*, No. 36 of the *Bidrag till Kännedom af Finlands Natur och Folk*, utgifna af Finska Vetenskaps-Societeten, Helsingfors, 1881, pp. xlii-lx.

¹⁷³ The king's arrivals and departures are best found in the *Svenska Riksrådets Protokoll*, ed. Kullberg.

A few days later, as Carl Banér was soon going on a diplomatic mission to France,¹⁷⁴ Usselinx drew up for him a paper of instructions as to how subscriptions for the South Company might be gathered in that land.¹⁷⁵ In the first place, the German prospectus which had already been printed, and the charter, should be translated into French. As the king of France had allowed his subjects to subscribe to the Dutch West India Company, he should be induced to extend the same favor to that of Sweden. The advantages of the company itself, the damage to Spain, and the general advantages of Swedish trade, the exchange of the linens of Rouen and Brittany and the other French manufactures, against the metals and lumber of Sweden, should be strongly presented; those of the Reformed religion, in particular, should be told how excellent a refuge Sweden was, with entire liberty of conscience, and even a hope, if enough Calvinistic immigrants came, of permission to have their own preaching in their own houses.¹⁷⁶ Among the advantages possessed by Sweden for the West India trade, he does not fail to mention, as one of the chief, the presence there of "the person who started the West India Company" of the Dutch.

Usselinx advises the commissioner to obtain letters from certain friends of his in the Hague to prominent merchants in Paris, Rouen, St. Malo, and other commercial towns. It is interesting to observe who these friends were, for, with all his prolixity, we do not at any time learn much of his private life. Naturally he refers him first to the Swedish minister

¹⁷⁴ It appears from *Riksrådets Protokoll*, i., p. 21, that Carl Banér was at Paris on diplomatic business in October, 1625.

¹⁷⁵ *Memorie voor myn Heere Carel Bannier* (Stockholm MSS.), July 7, 1625. See Bibliography, II., No. 22.

¹⁷⁶ In the *Bulletin Historique et Littéraire* of the *Société de l'Histoire du Protestantisme Français*, for April 15, 1886, in an article by M. Frank Puaux, *Les premiers réfugiés français en Suède*, a resolution of the synod of Upsala in 1593 is quoted, which declares against giving any liberty to those who shared "the errors of Zwingli and Calvin." From *Riksrådets Protokoll*, i., pp. 114, 115, 117, it appears that, in the autumn of 1628, though perhaps not much earlier, the Calvinists at Stockholm used, on sufferance, to hold meetings in the house of Abraham Kabbeljouw, before mentioned. It was here, probably, that Usselinx worshipped while at Stockholm.

there, the Netherlander Jan Rutgersius. A second, Anthony Monier, also entered the service of Gustavus Adolphus, and was his lieutenant-general of artillery. The third was Isaac Massa, of Haarlem, mentioned in a former passage; the fourth, Simon van Middelgeest, a prominent advocate, "fiscael" to the Council of Brabant; the fifth, David Nuyts, was a director of the East India Company.¹⁷⁷ "Also," says Usselinx, "if your Honor could have speech with a nobleman, of Normandy, I think, named Mons. de la Reverdière, who had a fort on the Maragnion in Brazil, which he sold to the Spaniards but could never get paid for, and is therefore very ardent to have his revenge, I believe that he would join us."¹⁷⁸

How busily, and with how varied an activity, Usselinx was planning and working for the company this summer, is shown by a letter which he wrote a few days later to the chancellor, the famous Count Axel Oxenstjerna, who was then with the king at Riga.¹⁷⁹ He urges that the first of the next March be set as the term of subscriptions; that the chancellor write to the bishops about the project; that an agent be appointed in Livonia, that the matter should be commended to the attention of Henrik Fleming in Finland¹⁸⁰; and that in general

¹⁷⁷ Rutgersius, a brother-in-law of Daniel Heinsius, and himself a scholar of some note, died in this October. Schybergson, *Sveriges och Hollands diplomatiska Förbindelser*, pp. xix, lxvii. On Monier, see *Svenska Riksrådets Protokoll*, i., pp. 87, 88. On Massa, see *ante*, p. 53, and note 89. On Middelgeest, see A. J. van der Aa, *Biographisch Woordenboek, sub voce*; O. van Rees, *Geschiedenis der Staathuishoudkunde*, ii., pp. 149, 164. F. Muller, *Beschryvende Catalogus van 7000 Portretten*, 1853, p. 188, gives Nuyts as above; I do not find him elsewhere.

¹⁷⁸ Daniel de la Touche, sieur de la Ravardière, a Huguenot, founded in 1612 the town of San Luiz de Maranh. Attacked in 1615 by the Spaniards and Portuguese under Jeronymo de Albuquerque, he agreed to abandon his fort if they would pay for his artillery; reinforcements joining them, they forced him to surrender it unconditionally. Southey, *History of Brazil*, i., pp. 392-427. *Histoire véritable de ce qui s'est passé de nouveau entre les français et les portugais en l'île de Maragnan*, in D'Anjou's *Archives curieuses de l'histoire de France*, 2^e sér., i., pp. 287-297.

¹⁷⁹ Letter of July 11, 1625 (Stockholm MSS.); Bibliography, II., No. 23.

¹⁸⁰ Henrik Claesson Fleming was at this time colonel of all the cavalry of Finland; *Biographiskt Lexicon öfver namnkunniga Svenska Män*, s. v.

the most prominent subjects of the king should be interested in its promotion; that a free pass, to the extent of at least four post-horses, should be made out to himself in order that he might travel all over the kingdom. He asks the chancellor for money for his expenses, as well as a regular salary, and especially for money to pay Albrecht Siglitz, agent for collecting subscriptions in Germany. The king had promised him the services of one of his secretaries, Per Eriksson, as translator and for other assistance. Usselinx thinks he will do well enough for translating, but that his previous financial career would be a bar to further usefulness; he modestly suggests that if the king can spare Lars Nilsson or Dr. Salvius it would be of great advantage. Now Lars Nilsson and Johan Adler Salvius were the king's two principal secretaries.¹⁸¹ He tells the chancellor that Benjamin Boneel, a Netherlander apparently, has come over to see about establishing a manufactory of glass; beads will be useful for the company's trade, but it will be better to secure him and his capital for the company's use. He informs him of the Danish king's jealousy and disparagement of the scheme (it appears incidentally, that the queen dowager had already subscribed two or three hundred thousand florins; the king of Denmark had said he did not believe she had that amount to subscribe), and relates that the newly arrived Dutch envoy, Vosbergen, an acquaintance of his, approved the project, but thought it would be hard to raise the money in Sweden.

A month later he writes in a far less hopeful strain.¹⁸² Johan Skytte, who had been the king's tutor and was now a member of his council and perhaps, next after Oxenstjerna, his most influential adviser in matters of state, had been in Stockholm. Usselinx, after long waiting, had been unable to obtain audience of him, and now begins to be discouraged, and to hint at the prospect of salary he had left behind

¹⁸¹ List of secretaries in Svenska Riksrådets Protokoll, ed. Kullberg, i., p. 280. Dr. Salvius (a J. U. D. of Montpellier), after much travel and study, had become secretary in 1624. Biographiskt Lexicon.

¹⁸² Letter of Aug. 20, 1625 (Stockholm MSS.) ; Bibliography, II., No. 24.

in the Netherlands. The inaccessible great man had sent him an order on the exchequer for 250 dalers, but Usselinx seems to think it will be slow in getting cashed, and prays for peace with Poland, that his great scheme may have a better chance.

This last, and the mention of Vosbergen, may lead us back for a moment to the mention of public affairs; for it was not the Polish war alone that prevented the king from fully engaging the resources of his kingdom in the prosecution of transatlantic commerce. There was still some doubt whether he might not co-operate more directly in the struggle in Germany, and it was for the purpose of inducing this that the States General, who were now trying to form a grand alliance against both branches of the Hapsburg house, sent Caspar van Vosbergen, an experienced diplomatist, to negotiate with Gustavus Adolphus. He arrived in Stockholm in the beginning of July, a few days after the departure of the king for Livonia, and followed him a few weeks later. It was during this brief stay that his conversation with Usselinx occurred. The king refused to change his propositions, however, and took no part in the autumn congress at the Hague. England and the Netherlands made a separate treaty of alliance against Spain, the project of general alliance fell through, and Sweden went on independently fighting against Poland. It was only when a truce had been made in this war, and, indeed, not until the king had returned to Stockholm, in the next April, that much could be done for the South Company.¹⁸⁸

However Usselinx might regret the delay, his time, this summer and autumn of 1625, was fully occupied with preparing for the press a larger book than any he had yet published. This discourse was intended to sum up most of his previous arguments and representations, and, under various forms, it constituted the central portion of most of his sub-

¹⁸⁸ On Vosbergen's mission, etc., Droysen, *Gustaf Adolf*, i., pp. 237-254; Opel, *Der niedersächsisch-dänische Krieg*, ii., pp. 225-235, 338-348; Schybergson, *Sveriges och Hollands diplomatiska Förbindelser*, pp. lxi-lxxi.; Oxenstjerna to Camerarius, Aug. 5, 1625, in Moser's *Patriotisches Archiv*, vi., pp. 31-5.

sequent publications of any importance.¹⁸⁴ It was to be, in form, a more detailed explanation of the points embraced in the printed prospectuses or blanks for subscription already mentioned. Prefixed to the main body of it is a "Preface to all good Netherlanders, who for the sake of their faith and the freedom of the Netherlands have been exiled from Brabant, Flanders, and the Walloon country and dispersed throughout Europe." To them their fellow-exile addressed himself as having most knowledge of those things of which he is going to write. He declares that in the long wars of the Netherlands they have, at least in land operations, been foremost; that it is they who have done most to keep up the opposition to the king of Spain; and that they have an acknowledged superiority in all matters of commerce, navigation, and manufactures. Hence he hopes to find with them good audience for his project. They, too, can do much to favor it, being so blessed with children and wealth. Again, it can be of great advantage to them, especially as this country affords an excellent place for refuge. He tells them that his long absence from the fatherland has not dimmed his affection for it, nor for them. Nor have the great injuries, misfortunes, and difficulties he has encountered made him relax his efforts for the common weal, nor yet his age, nor the magnitude of the labors he is proposing to himself.

The text of the book itself was to be given to arguments of a more general application; in fact, this preface to the Belgian exiles, so valuable as an indication of the attitude of Usselinx to his native country, was not included in one of the editions,—the Swedish. We must not look to see in the

¹⁸⁴ This *Nærder Bericht*, or further explanation, was originally written in Dutch. Its text, translated into German, constitutes the principal part of the *Auszführlicher Bericht* of 1626. Translated into Swedish, with considerable changes, it was the principal portion of the *Vthförligh Förklaring* of the same year. The Dutch appeared in 1627 as part of the *Octroy ofte Privilegie*. The German translation, revised, was reprinted in the *Argonautica Gustaviana* of 1633. See *Bibliographical Appendix*, I., Nos. 15, 16, 20, 26, 27. The discussion of the hostile criticisms upon Sweden is omitted in the *Vthförligh Förklaring*.

book all the vigor and directness with which he had written in his younger days ; yet it has much good exposition and cogent and spirited argument, and so great a wealth of information as to justify some examination of it. It is evident that the scheme was regarded as a very large one for Sweden to undertake. "Among some persons," he says, "this [the inclusion of Africa, Asia, America, and Magellanica in the charter] has excited considerable surprise, as if they perhaps supposed that the Swedes and Goths wished to ape the great and bold deeds of their forefathers, by whom the greater part of Europe was conquered and ruled ; and had taken upon themselves things not unlike the proud desires of Alexander Magnus, and appeared as if they wished to conquer the whole world. . . . Others think they are hearing something as strange as thunder at Christmas, when, in a country where scarcely a single ship is sent out to trade," one speaks of enterprises so remote. He defends this remote trade as being most profitable, and describes, in some detail, the new fields for commercial activity.

Of ways in which his great project will conduce to the common weal, he characteristically names first the advancement of the kingdom of God by the sending out of missionaries who will emulate the Jesuits ; of whose boasted conversions he says that they merely teach the Indians to say Jesus Maria and a few words of Latin, and nothing more, an assertion which he supports by citation of Spanish authors. Secondly, many indirect commercial advantages will result,—the control of Sweden's own carrying-trade, increase of shipping, increase of general European trade. Proceeding then to the direct advantages to individuals, he first sets forth what Spain and the Netherlands have won. The Swedes he thinks not less apt for navigation or for manufacture, though as yet they have had little special training. He shows that goods brought to Sweden from Brazil by the Lisbon merchants cost in Sweden two hundred and thirty per cent. of their original value. All this loss can be saved. Sweden has many advantages over Spain and the Netherlands,—a more abundant population than the former, greater

cheapness of commodities than in the latter. Spanish slave-labor is uneconomical; whether slavery is rightful he will not discuss, but if it is thought contrary to the love of our neighbor, its evils can be moderated, and gradual emancipation of body and soul prepared. Of tobacco he says that, "though only a filthiness, and having no use but to disturb the brain and increase drunkenness, nevertheless more money is made from it than from all the spices of the East Indies;" this no one would have believed a few years ago. Insurance rates are quoted to show the safety of such investments; combination of capital increases both security and profit; in Holland, trust-funds for orphans are frequently invested in shares of the East India Company. Advantages to particular classes are enumerated; thus pastors and teachers, whose small salaries cease at their deaths, can thus lay up something for their heirs. The scheme is perfectly honorable and allowable by the law of nations; Spain's claim has no validity, and is already successfully infringed by the French in Nova Francia and the English in Virginia.

Here follows an interesting discussion of the merits and demerits of Sweden, *à propos* of hostile criticisms which the author fears may damage the company's prospects, if not refuted. First, it is said that Sweden is poor and barren; but he shows that it exports food annually. Secondly, that it is too cold; the difference, he thinks, is not great, and, from what he has heard from Holland, he judges that it has been about as cold there, these last two years, as here, and the country is very healthy, with few doctors of medicine. As to criticisms upon the constitution, laws, and courts, he confesses that he knows little of law. Yet the laws here, though different, seem as good as elsewhere. Process is brief, and foreign suitors are well treated. As to the inhabitants' being impolite or unfriendly to foreigners, he says, I have been in many lands, but was never better treated than here, by high officials, nobles, townsmen, and farmers. Peasants kindly show travellers the way, and they and their women and children show true politeness, unless that consists of French manners, etc. As to their being intemperate, he says it is a

pity they should be so, and should try to gain through drink that cheerfulness and joy which can only be obtained of God and our Saviour through the Holy Ghost. Still, in cold climates (but compare his former statement) one must eat and drink more. He praises the housekeeping of the Swedes, as plain, but liberal. They live happily. The women care most for comfort, "and trouble themselves little about unnecessary and foolish house-cleaning. This," he adds, with an evident lively recollection of the operations of Dutch housewives, "will be far more approved by all sensible people than if they spent their time in superfluous and needless, sometimes even altogether senseless, wiping, washing, rubbing, and smartening; which, nevertheless, happens in many places, where these fools think little of their real duty, but so busily devote themselves to their houses, to show their splendor, and pride, and state that they neglect their husbands for it, and a man cannot use a chair or a bench, or enter a room without first taking off his shoes, unless he wishes to have a domestic war." He also argues against complaints of unjust treatment in former times, of delays in payment of public debts, and of detention of foreigners in the country; for the last, he says, there is no foundation, except that some necessary restraints are imposed in war time.

After this interesting exposition of Swedish conditions, Usselinx resumes the main thread of his discourse, and proceeds to answer various classes of objectors. Some object that he has not himself seen all these places. He replies that his means of investigation have been better than this; he has inquired of the men who knew the countries most thoroughly, never letting pass any, whether French, Spanish, English, or Dutch, studying maps and histories, and paying much for information sent for. To those who ask why other nations have not occupied all these regions, if they are so profitable, he declares that there is room enough for all; nor are hostile actions from them to be feared—if they trade at all in the Baltic. He has also a personal objection to meet—distrust of himself. This he declares quite unwarranted, and points to his success in the Netherlands and the endorsement of the author.

ities there. Distrust of the directors is unreasonable, for the stockholders will themselves choose them. There was also, it seems, some distrust of the king, an apprehension, not absolutely unfounded, as afterward appeared, lest he should use the subscribed money for his own purposes. But, he argues, the king's mother, the Palsgrave John Casimir (his brother-in-law), the councillors, noblemen, military commanders, ecclesiastics, and magistrates, and, it is hoped, the greater part of the common people, have subscribed. Furthermore, not only have we the king's hand and seal, but such a course would be greatly against his good name and interest. Objections as to lack of superfluous population for colonizing those lands, their heat, their remoteness, and the difficulty of obtaining enough money in Sweden, are successfully met. And so the writer closes his treatise, offering to give any further explanations desired, and characteristically declaring that he has not made public all his plans by any means.

While this important and valuable discourse was being written, apparently in September, 1625,¹⁸⁶ there arrived in Stockholm the news of the Spanish recapture of Bahia. Contrary to all the advice of Usselinx, the Dutch West India Company had attacked Brazil, and, "by a happy accident," as he alleges, had in May, 1624, captured "São Salvador da

¹⁸⁶ The *Auszführlicher Bericht* and the *Vthförligh Förklaring* were not published until 1626, the *Octroy ofte Privilegie*, or Dutch edition, not until 1627, the first preface to all three being dated July 2, 1626. But the preface to the exiles, which a memorial (*Bibliographical Appendix*, II., No. 25), to Oxenstjerna shows to have been written after the body of the work, is dated Oct. 1, 1625 in the Dutch edition, Oct. 17th in the German, as well as in the *Argonautica*. But the first lines of the appendix (*Byvoeghsel, Anhang, or Tilsätning* in the various editions) state that while the author was writing the book came the news of the capture of Bahia. Now the first rumors of that capture seem to have reached the Hague just before the first of August. Camerarius writes on that date (N. S.), to Oxenstjerna, "*Fama nunc spargitur, Hispanos recuperasse Portum omnium Sanctorum et Civitatem S. Salvatoris in Brasilia, eamque ob causam conspectos Bruxellis et Antwerpiae ignes triumphales*;" certain information did not come till Oct. 3d (N. S.), Schybergson, pp. 266, 307. Apparently about a month must be allowed for transit of news from the Hague to Stockholm. The time of composition must therefore be about September. The queen-mother, mentioned in the treatise as living, died on December 8, 1625; Geijer, tr. Turner, p. 247.

Bahia de Todos os Santos ;" but in May, 1625, it had been recaptured by Don Frederico de Toledo.¹⁸⁶ Here was an opportunity to say, "I told you so," which Usselinx could not let pass. He therefore added an appendix or postscript to his little book,¹⁸⁷ in which he related what advice he had given the Dutch authorities, and what warnings on this and other points, and showed that, though founder of the Dutch West India Company, he must not be held in any way accountable for the attack on Brazil, nor discredited by its untoward result. What he wrote on these points is already known to the readers of this monograph ; the same is true of his expositions of the reasons why, after so abundant advice and warning, the matter was arranged so ill,—the opposition of Oldenbarneveld, the factious contention of the commercial towns and their magistrates, the frequent changes of the personnel of committees, the premature choice of directors, their ignorance and inexperience. As *pièces justificatives*, he added the summary account sent in to the States General in August, 1623, the unused letter of recommendation of Aug. 25, 1623, from the States General to the Nineteen, and that of Aug. 30, 1622, from Prince Maurice to the States General.

The book was now finished. The next thing was to get translations made, and to have the various versions printed. Usselinx was determined to spare no effort to get his arguments before all possible subscribers. Now he urges that the charter be translated into Swedish and German, and signed, now that his book and its appendices be translated into Swedish, now that they be turned into German and into Latin, now that his Excellency the Chancellor look over the preface to the Netherlanders. Enough has been subscribed to make a beginning, though not this year ; the date in the

¹⁸⁶ J. de Laet, *Historie ofte Jaerlijck Verhael van de W. I. Co.*, pp. 13-16, 51-53.

¹⁸⁷ This postscript, with the accompanying documents, is to be found in all three of the editions, Dutch, Swedish, and German, and in the *Argonautica Gustaviana*. See Bibliographical Appendix. The quotation given by Mickley, "Some Account of William Usselinx and Peter Minuit," on p. 7, is really from the beginning of this postscript, though by him referred to quite another time and quite other circumstances.

charter should be altered accordingly. The governors of provinces and magistrates of towns should be directed to assist; already he is casting his eyes on Livonia and Esthonia, asking that Svante Banér, at that time governor of Riga, and the other authorities there and at Reval, be written to upon the matter. The bishops and superintendents should be directed to send copies of the prospectus and book to the pastors in their dioceses, bidding them earnestly recommend the project in their parishes and offer prayers in the churches for its success; the bishops, it seems, had themselves promised considerable subscriptions.

In getting subscriptions, the lords of the council should be first approached, then the subordinate officers of the government, then the magistrates and burghers of Stockholm, for an example to the rest. Then the other towns should be visited; the officers and soldiers of the army with the king ought to be urged to invest. In fact, no one should escape; the larger the capital the better. Meanwhile, there were agents to be secured, their commissions to be fixed, and many administrative arrangements to be carried out. About his book Usselinx was particularly concerned, wishing not only to get his arguments before the people, but desiring also to make known his personal defence against the charge of ill-success among the Dutch, and likewise to combat the opinion that in commercial matters no one can compete successfully with that nation. For the German translator he suggests Hofråd Christoph Ludwig Rasch, and he complains of the dilatoriness of Erik Skräddare (Schroderus), the royal translator, who, it seems, was unwilling to translate this for the government unless assured that it would be compensated by a corresponding deduction from the amount he regularly had to do.¹⁸⁸

¹⁸⁸ The authorities here are three brief undated memorials, entitled *Memorie van 't gene noch dient, etc.*, *Memorie tot bevoordering, etc.*, and *Verscheyden Redenen dienende, etc.* (Stockholm MSS.) See Bibliographical Appendix, II., Nos. 25, 27, 28. Erik Schroderus was a son of the burgomaster of Nyköping, Bengt Nilsson Skräddare, and therefore a brother of the famous councillor Johan Skytte. In 1612 he had been appointed rector of the School in Nyköping, and later Translator Regni. *Biographiskt Lexicon öfver namnkunnige Svenska män*, s. v.

Further difficulties appeared as spring came on.¹⁸⁹ In Livonia and in Finland, progress had been much hindered by the king's establishing a Finnish Company, to help the trade of the cities in those two provinces.¹⁹⁰ Because of this act, the royal officers had been lukewarm in furthering the South Company; and Usselinx advised that until the latter should have been established successfully, the other company should be suspended. Meanwhile in Stockholm itself the exclusive policy of the trading guilds towards immigrating foreign merchants was injuring the chances of success by keeping away much-needed capital.

But in the spring King Gustavus was again in Stockholm for two months,¹⁹¹ and in the presence of his intense activity things at once began to look better. What was of prime importance, on the day before he left the capital, June 14, 1626, he signed the charter, and thus gave legal basis to the South Company. As already said, its provisions did not differ from those of the manuscript draft made by Usselinx in the autumn of 1624.¹⁹² It is therefore not needful to say

¹⁸⁹ What follows rests on a short memorial entitled, *Eenige bedenckinge tot bevoorderinge vande Suyder Comp^e* (Stockholm MSS.); Bibliographical Appendix, II., No. 29. It is undated, but its contents show it to have been written about the spring of 1626; see next note.

¹⁹⁰ Dr. Theodor Schiemann, archivist of Reval, has kindly sent me, from the archives of that town, a copy of a brief memorial of the town council to Gustavus Adolphus, thanking him for decreeing the establishment of such a company, and praying him to continue to favor it. It is dated May 1, 1626, and the act of the king is spoken of as recent.

¹⁹¹ April 13 to June 15, 1626. *Riksrådets Protokoll*, ed. Kullberg, pp. ix., xiii.

¹⁹² Of the printed *Octroy eller Privilegium* (Bibliography, I., No. 17,) I have seen no copy, and know of none in this country. I have from the Stockholm Archives a copy of the *Privilegier för General Kiöphandels Compagniedht*, *Riks Registr.*, 1626, fol. 332, v., dated June 6, 1626. But the German translation in the *Argonautica Gustaviana* bears date of June 14th; and very likely the Swedish document I have is not the actual issue, since in the second and fourth articles the dates for subscriptions and for the inauguration of the company are left blank. My copy also, in the sixth article, gives a thousand dalers as the qualification of a director, instead of two thousand; but this I take to be an error. A Dutch translation of the charter is to be found printed at the beginning of *Octroy ofte Privilegie* (Bibliography, I., No. 20). Of German translations, there are the *Octroy und Privilegium*, and *Octroy oder Privilegium*

much more concerning its details. The date at which the company was to come into existence was fixed at May 1, 1627; the term of subscriptions was to be March 1st within Sweden, May 1st without. It is interesting to observe that the territorial limits within which the company was given a monopoly of commerce did not in this original issue include any of the soil afterward occupied by the Swedish colony on the Delaware. They extended northward on the American coast only to 36° N., the latitude of the Straits of Gibraltar, at which they began on the eastern side of the Atlantic; it was not until the "amplification" of 1632 that the rest of the American world was included. The provision made for Usselinx himself, constituting the thirty-third article of the charter, it may be well to give at length.

"Whereas Wellam Usselinx, born at Antwerp in Brabant, has spent the greatest part of his life in investigating and examining into the opportunities of the countries which are mentioned in this charter, and has also testimony and evidence from the Lords States General of the United Netherlands and from the illustrious Prince Maurice, Prince of Orange, of Christian memory, as well as from various historians of our time, that he has been the foremost author and originator, who for many years, in the United Netherlands, has helped to found the West India Company, and given the said Lords States thorough information in regard to it; furthermore, as he in like degree has given us also good information concerning the same, so that we are well satisfied therewith, offering us his services, that he still further will reveal and communicate to us all the knowledge that he through long experience and practice has obtained concerning the

(Bibliography, II., Nos. 18, 19), that on pp. 9-16 of the *Argonautica Gustaviana*, and the two in Marquardus, ii., pp. 380-387, 545-552, the one reprinted from the *Argonautica*, the other a reprint of *Octroy und Privilegium* (see Bibliographical Appendix, I., No. 27). The German is also to be found in Khevenhiller, *Annales Ferdinandeï*, xii., pp. 536-547. An English translation, but not a very accurate one, is printed in the N. Y. Col. Docs., xii., pp. 7-15. There is an Italian translation, condensed, in Harte's *Gustavus Adolphus*, ii., pp. 452-458, edition of 1807; it is taken from the continuation of Bisaccioni's *Commentario delle Guerre successe in Alemagna, Venezia, 1634*.

said trade: Therefore we, both for the services he has hitherto rendered us and shall hereafter render, and for the pains, labor, and great expenditure he has incurred, have granted and allowed that he shall receive and enjoy of the company one penny in the thousand of all goods and merchandise bought and sold in the company, as long as trade to the places mentioned in this charter continues, so that the managers of the company shall be bound to pay the aforesaid sum to him, his agents and heirs, as soon as the account of the goods bought and sold can be made up."

The first part of this passage has been cited by one writer as a testimonial to the merits of Usselinx from Gustavus Adolphus; but its value as such is diminished by the fact that it occurs in the Dutch draft of 1624 already mentioned, which we have every reason to believe was written by Usselinx himself. The phrase invoking the testimony of "various historians of our time" requires a little explanation. What historians were referred to we learn from the margin of the reprint of the charter in the *Argonautica Gustaviana* of 1633. They were the celebrated President de Thou and the eminent Flemish historian Emanuel van Meteren, whose respective histories were already famous throughout Europe.¹⁸⁸ Encouraged by the king's active assistance, Usselinx now pushed forward the work of translating and printing his pamphlet, or book, and the charter. The former was printed this year at Stockholm in Swedish and German, in Dutch the next year at the Hague. Of the

¹⁸⁸ The marginal reading on p. 14 of the *Argonautica* is: "Vid. Thua- nus de An. 1606. Meteranus in der Niderl. Sprache, passim, etc." In the letter to the States General, of Oct. 3, 1644, in Van Rees, *Geschiedenis der Staathuishoudkunde in Nederland*, ii, p. 462, he refers to them again. In the memorial (Stockholm MSS.), entitled *Briefue Deduction par Laquelle est monstre, etc.*, dated Paris, Feb. 13, 1635, (Bibliography, II., No. 60), Usselinx says: "A quoi [the testimony of the States General, Prince Maurice, the King of Sweden, etc.] ie pourrais encore Adiouster le Tesmoignage de feu Mons^r du Thou qu' il m'a donne passe 29 ans." This cannot be strictly true, for the first edition of part v. of De Thou, covering the year 1606, was not published until 1620; but perhaps he is assuming that this part was written in 1606.—For the testimony mentioned, from De Thou, see note 43; from Van Meteren, notes 33, 38, 42, 54, 55.

charter there were printed this year at Stockholm a Swedish and a German edition; another German edition, though bearing the same imprint as the other two and the Swedish book (Ignatius Meurer, Stockholm), seems to have been really printed in Germany.¹⁹⁴ The preface to the book is dated July 2, 1626.¹⁹⁵ It had been expected, the writer says, that the company should go into operation this past year. But the project had to be made known to subjects outside the kingdom of Sweden, and this, combined with the extent of the latter, had occasioned delay. Also, the king's absence from the country had prevented his gracious grant from being drawn up. This same preface appeared in all three editions. Nor, though the Swedish was differently arranged, were there any very important differences of text, except that in the Swedish version the essay defending Sweden was not included, and there was a little more insistence on *Magellanica* in the expository portion. It was conjectured to be larger than any other land, was sure to have a great trade, and was too extensive for any country in Europe to hold :

¹⁹⁴ The six publications mentioned above are those entitled : *Vthförligh Förklaring*, etc., (see Biographical Appendix, I., No. 15); *Anszführlicher Bericht*, (I., No. 16); *Octroy ofte Privilegie*, (I., No. 20); *Octroy eller Privilegium*, (I., No. 17); *Octroy und Privilegium*, (I., No. 18); *Octroy oder Privilegium*, (I., No. 19). All these are now very rare. Of the first, Muller says, *Catalogue of Books relating to America*, 1872, p. 133 : "Up to the year 1869, when a copy was offered in a catalogue of Mr. Nyhoff at the Hague, this '*Swedish Usselex*' has remained entirely unknown, so that the present most probably is the *second ever offered* to the collector." I believe it is Muller's copy, bought for the John Carter Brown Library, which the owners of that library have kindly given me the opportunity to use. I have also used that in the Library of Congress; the British Museum has a third. Muller's copy was valued at 200 florins. Of the last three, I know of no copy in this country.

Muller is in the main correct in his remarks, p. 134, on the relations of the first three of these six; but, instead of the Swedish being made on the original Dutch MS., and the Dutch a new elaboration, the German and Dutch probably represent the original, modified on translation into Swedish.

¹⁹⁵ Arfwedson, *De Colonia Nova Suecia*, p. 6, says that, as money was slow in coming in, Gustavus Adolphus, by letters given July 2, 1626, at Stockholm, permitted the admission of foreigners. This is erroneous. Gustavus was not in Sweden at that time, (see note 101); and, secondly, the charter already admitted foreigners.

Spain had but two or three places there.¹⁹⁶ Such a touch as this shows us the enthusiast long and excessively occupied with one idea; at forty Usselinx had had more sobriety and balance. Pursuing with intense energy a single object, he had lost sense of proportion. He had lost, too, in play and elasticity of mind, could with far more difficulty than at first reconcile himself to any modification of his projects, to the equal co-operation of any other mind. His mental fibres had grown inflexible. But if he was a less balanced and a less facile man than at forty, there had been no diminution of his wonderful and tireless energy. He was as intense, as persistent, as enthusiastic, as when he began these thirty-five years of incessant labor. The small amount of personal success he had obtained from them did not make him "bate a jot of heart or hope." On the contrary, with the chartering of this second great company of his creating, he took a new lease of life; there were twenty years more of work in him, and throughout those twenty years, however his infirmities of body, and indeed of temper, might increase, the vigor of his mind and the force and energy of his will were never relaxed.

The 30th of October, 1626, we read in the minutes of the Swedish Council, were present Count Magnus Brahe, Clas Horn, Johan Skytte, and Gabriel Oxenstjerna, the chancellor's brother, "and signed certain letters for Ussling."¹⁹⁷ The entry is not a very important one, but its phrase serves to show that Usselinx was very well known to the magnates of the kingdom, even if not quite so important a figure in it as he himself thought. More of what he had been doing can be seen from one of his letters written to the chancellor, who was now in Polish Prussia. Having in his last campaign wrested from Poland nearly all the Baltic sea-coast it possessed eastward of the duchy of Prussia, the king had in this summer attacked the Polish sea-coast west of that duchy. He had conquered all of it but Danzig, and now, returning to Sweden, had left Oxenstjerna as governor-general of the conquered territory. The letter (whose superscription bears

¹⁹⁶ Vthförligh Förklaring, E. i, verso.

¹⁹⁷ Svenska Riksrådets Protokoll, ed. Kullberg, i., p. 32.

some traces of effort to write in Swedish), begins with the usual complaints of delays of translators and printers, and apathy of councillors.¹⁹⁸

But the books were now at last in print, and that was the main point. "The charter from His Royal Majesty, together with my Discourses, have finally got printed, whereof I send your lordship herewith thirty copies, being in Swedish and German. To the lord Bengt Oxenstjerna I send also fifty copies to distribute, at the same time writing him that it seems to me advisable that the discourse should be reprinted there for distribution in Königsberg and other towns in Prussia."

It is painful to any friend of Usselinx to be obliged to reflect that the eighty copies thus freely distributed would, at the present prices of these rare books, bring a sum sufficient to support the poor man for four or five years, even at the rate of salary last offered him by the Dutch authorities, which he rejected at the time, but seems afterward, whenever things went wrong, to have looked back to with longing. As to the reprinting in Prussia, it may have been carried out, for, as we have seen, there is an edition of the charter printed this year in Germany. But not neglecting to have two strings to his bow, Usselinx had urged the council to charge Anders Svensson, at Hamburg, to have charter and book reprinted there, and spread widely over Germany and even to Venice, to catch all possible subscriptions; and it seems to have been in Hamburg that the reprinting was done. Antony Monier had promised to have them reprinted in Dutch and French, but as he had not, a merchant and shipbuilder, Arendt de Groot, who was going to the Netherlands, offered

¹⁹⁸ Letter of Nov. 3, 1626 (Bibliography, II., No. 30). Though I have only a copy before me, I think I cannot be wrong in supposing the Swedish of the superscription to be that of a foreigner. At the beginning of the letter he attributes much of the want of progress these last months to the frequent absences from the city of Carl Oxenstjerna, the chancellor's cousin. Yet I find from Riksrådets Protokoll, i., that, excepting the meetings from July 22d to Aug. 8th and one meeting in October, Carl Oxenstjerna was present at every meeting of the council from July 1st to that preceding the above-mentioned one of October 30th.

to attend to the matter, much to the gratification of the author, who evidently had a firm belief in the efficacy of print.¹⁹⁹

Aside from the usual tides in the affairs of men, the success of Usselinx and the company during these years had a marked periodicity. Their fortunes ebbed while the king was absent on his campaigns, they rose when he returned to his kingdom. This winter, the principal occasion for furthering the plan was the meeting of the diet. It was the house of nobles (and military officers) that formed the really important part of that diet. After the diet had met and had heard the king's speech, each estate retired to its own hall. The representatives of the three classes of nobles, those who had been created counts or free-barons, those who could prove descent from a councillor of state, and those who served for their freeholds, sat in their newly built house of barons, to deliberate upon the matters proposed in the king's speech.²⁰⁰ Here, then, the records tell us, on the 31st of January, 1627, the nobles and knights were assembled, when in came the lords of the council, and with them Wilhelm Ussling. Then one of the councillors, an Oxenstjerna, informed the house of the king's having determined to found a South Company for trade to Africa, America, India, and Magellanica, explained its advantages to individuals and to the country at large, and expressed his hope that the nobles and the other estates would invest largely. The land-marshal, their spokesman, answered that they would take it into consideration, not doubting that, on the representations made, they should be found well inclined thereto. The court-marshal, Didrik von Falkenberg, an eminent officer, whom we shall encounter again, spoke further in favor of the scheme, the charter was read, another Oxenstjerna made a speech, and the council went out. A

¹⁹⁹ Anders Svensson was the diplomatic agent of Sweden in the Lower Saxon circle, and resident in Hamburg, 1625-1630. Riksstådet's Protokoll, i., p. 242. Arendt de Groot, *ibid.* The reprinting at Hamburg I infer from the letter of July 19, 1628 (Bibliography, II., No. 40).

²⁰⁰ Geijer, *History of the Swedes*, tr. Turner, pp. 219, 220.

week later, such of the nobles as chose, made their respective subscriptions.³⁰¹

To know exactly what sort of support such a company obtained in a kingdom like Sweden, would be highly interesting. Fortunately, we are able to some extent to answer this question. There has come down to us a list, probably drawn up by Usselinx, of those who had subscribed one thousand dalers, the sum necessary to entitle one to vote for directors.³⁰² In drawing any conclusions from it, it is necessary to remember that the subscriptions of the burghers of Stockholm are not included in it. But even so it remains a remarkable piece of evidence. There are forty-one names. *Thirty-five* of them are the names of members of the council, or military or civil officers of the government. One was a physician. Of the other five, I have been unable to learn any thing; as four of them bear foreign names, they were probably merchants. This was certainly, after every allowance for the subscribers of smaller sums and the burghers of Stockholm, a very different constituency from that of the great Dutch and English companies, and betokened a different fate. The amount, too, must have been quite inadequate. The subscriptions of the forty-one whose names are on the list count up to but 110,000 dalers. The whole sum subscribed in Gothenburg is given as 30,000, of which 6,000 came from the qualified electors, the subscribers of a thousand. If the same proportion prevailed generally, the whole sum now subscribed can hardly have been more than

³⁰¹ Handlingar rörande Skandinaviens Historia, published by the Stockholm Academy, i., pp. 132-134. The same has been sent me from Stockholm, in a copy from Sveriges Ridderskaps och Adels Riksdags protokoll, ed. Thom and Taube, i., pp. 23, 24. Loccenius, *Historiae Suecanae libri ix.*, pp. 555, 556.

³⁰² *Lyste van die geteekent haben, etc.*, (Bibliography, II., No. 32). It is undated. It was, however, written after the chancellor's visit to Finland in the summer of 1626. Its including Svante Banér, who died April 4, 1628, and still more its not mentioning any of the subscriptions obtained by Usselinx in Livonia in January of that year, make it probable that it was drawn up before he left Stockholm, say before the autumn of 1627. I have therefore inserted it here. The amount of the clerical subscriptions is given in the Stralsund memorial, of Dec. 30, 1630; Bibliog., II., No. 47.

500,000 or 600,000 dalers, plus the Stockholm subscriptions; that of the clergy seems to have been 100,000. All this, we may be sure, even with the king's 400,000, was not such a sum as Usselinx would have liked to see. Plainly he was engaged in a far smaller enterprise than the Dutch West India Company had been.

To get more subscriptions, the king took the step of at once appointing one of the two directors whom the charter assigned to him. He chose for this position Per Andersson, recently superintendent of the royal rents, and gave him a full commission to further the business.³⁰³ Bishops and pastors were especially charged to assist him. The king himself, the day he left Stockholm for his second Prussian campaign, wrote especially to the bishops in behalf of the company. Some rough verses of the time have been preserved, which have a satirical reference to these exhortations, with a warning which proved not wholly unfounded. Their opening lines may be roughly translated thus³⁰⁴:

“ Poor priests, don't give your money to
The Company of Navigation ;
The burnt-up bones will fall to you,
The roast itself, to the corporation.”

Still further to advance the company's interests, the king, on leaving Sweden, appointed his second director, one Christian Welshuisen. At the same time, by what must have seemed to Usselinx a strange departure from those principles of free and even democratic election for which he had so strenuously contended in the Netherlands, the king somewhat plainly indicated to the shareholders that for their

³⁰³ Fullmactt för Directoren Pedar Andersson, att uptala Stenderne till att insettia i dett Södre Compagniedt, dated Mar. 19, 1627. Riks Registrat., 1627, fol. 103, v. (Stockholm MSS.). A. A. v. Stiernman, *Samling utaf kongl. bref, stadgar, och förordningar angående sweriges rikes commerce*, etc., i., p. 948.

³⁰⁴ In the German of Geijer (Ger. ed., iii., p. 57), they run :

“ Gib nicht, o arme Klerisei,
in Sack der Handels-Compagnei ;
den Braten steckt sie in die Tasche
und dir die Knochen in die Asche.”

own directors they should choose "some of the following good men, such as Henrik Fleming, Anton Monier, Mårten Weiwitzer,"—seven men in short are named, of whom two or three were officers of the royal army, the rest mostly merchants.²⁰⁵ And so, this eminently paternal government having arranged the personnel of the company's management, the king sailed for Prussia. The South Company was now regarded as fully in existence.

VII.—FIRST YEARS OF TRAVEL FOR THE SOUTH COMPANY.

ἐν πρώτοισιν οὕτω
ἔμμεναι, ὅφρ' ἦβη τε πεποιθεὰ χερσὶ τ' ἐμῇσιν.
νῦν δ' ἔχομαι κακίῳτι καὶ ἄλγεσι· πολλὰ γὰρ ἔτλην,
ἀνδρῶν τε πτολέμους ἄλγεινά τε κύματα πείρων.

Od., viii., 180-183.

The three years which Usselinx had now spent in Sweden had been passed amid quite different surroundings from the years devoted to the Dutch West India Company, but they had, in a similar degree with those, been spent within one country, generally in the capital city, and with few journeys and those not extensive. But with the middle of the year 1627, marked as it was by a considerable step of progress for the company, there began a decided change in the manner of his own life. Henceforward he was to be occupied mainly in travels extending over much of Northern Europe, and in labors with local bodies rather than with general governments. As one result of this occupation he was, by reason of frequent and long absences, as well as of his own lack of adaptiveness, to lose his hold upon the company he had labored to form, and the government he had assisted, to become superfluous, and in the end to incur entire neglect.

The beginning of these travels was his being sent to Prussia by the directors of the company, to urge King Gustavus, by paying in an instalment of his subscription and by other means, to facilitate the sending out of an expedition under

²⁰⁵ Fullmactt för Directoren öfver Söder Compagnie, dated Elfsnabben, May 4, 1627. Riks Registrat., 1627, fol. 221, v. (Stockholm MSS.).

the company's auspices this year.³⁰⁶ He probably found the king at Dirschau, recovering from recent wounds and pressing on the war against the Poles. The cardinal feature of the imperial and Spanish policy in these years was to secure to the Hapsburg house the northeastern sea-coast of Germany and, thereby, the dominion over the Baltic Sea.³⁰⁷ The averting of this pressing danger, a danger which the defeat of Denmark had made still more imminent, was giving full occupation to the energies of Gustavus Adolphus. Still, he found time to do something for the company; and Usselinx, on his part, busied himself with getting subscriptions to the company from Count Thurn and lesser officers in the army. When the king went back to Sweden in November, the chancellor, in pursuance of the king's plans, sent Usselinx, with letters to the royal and municipal authorities, to go through the Baltic provinces, recommending the company to general attention and gathering subscriptions. Of the earlier part of this long, wintry, and somewhat dangerous journey, no account remains among those documents which the chancellor's unusual care for papers has preserved to us; we know, however, that he went by land through Lithuania and Courland, and arrived at Riga just as the year was ending.³⁰⁸

³⁰⁶ *Memorie voor Willem Wsselinx van 't gene hy syne Ko. Ma. aldergenadigst sal remonstreren ende wyders hebben te doen op syn reyse na Pruysen aengaende de Suyder Comp^e* (Stockholm MSS.), dated Stockholm, June 12, 1627, and signed by Christian Welshuisen and Vallentin Nilsson (a councillor of Stockholm). Being in Dutch, it may have been drawn up by Usselinx himself. On Sept. 18th the royal council received a petition from the "India Company," as to the general paying in of subscriptions. *Riksrådets Protokoll*, i., p. 54.

³⁰⁷ Droysen, *Gustaf Adolf*, i., pp. 283-293.

³⁰⁸ The principal authorities for this journey through the provinces on the east side of the Baltic are the letter of Usselinx, written after his return, to Oxenstjerna, dated Stockholm, July 19, 1628, (*Bibliography*, II., No. 40), and the successive memorials written during the journey, and mentioned in the ensuing notes. The letter to the chancellor mentions a previous letter from Riga, recounting the story of his travels up to that point; but this does not appear to be now extant. But that he went through Lithuania and Courland is stated in a memorial addressed by him to the States General, Sept. 11, 1636, entitled, *Notitie van 't geene in 't Coninckrijck Sweeden ende naburige landen is geteekent ende ingewilicht tot de Suyder Compaignie*. This letter has been published in vol. xxix. (1873) of the *Kronijk* of the *Historisch Genootschap* te Utrecht, pp. 135-140. See *Bibliographical Appendix*, II., No. 67.

A few days after his arrival at this old Hanse town, the chief town of Livonia, Usselinx addressed to the burgomasters and council of the town a memorial detailing the advantages which Riga might derive from joining in the South Company.²⁹⁹ Livonia in general was not at present a promising country from which to collect subscriptions. With the exception of a few years, it had been devastated by war continuously, from Charles IX's first landing in 1600; the nobles were impoverished by war and confiscations, and the peasantry were virtually in a state of abject slavery. Still, Riga had managed to keep up some of its commerce, and since its capture by Gustavus Adolphus in 1621, had apparently been at times fairly prosperous. Indeed, there was much complaint of the luxury and ostentation of the chief merchants, and the proud municipal aristocracy of the principal guild; insomuch that a recent ordinance had endeavored to restrain the excessive expense at weddings among those of this class, by forbidding them to invite more than ninety men and sixty women.³¹⁰

The arguments used by Usselinx in his memorial were, so far as the West Indian trade and the company are concerned, much the same as those with which we are already familiar. But some of the things which he says with more especial reference to Riga, and to the revival of its trade, are of interest. He points out its advantages for providing naval supplies, in case of war; and in case of peace how well adapted it is to become a distributing point, from which the goods of the Indies may be forwarded into Poland and all Russia and the regions beyond. Even in case the terms of peace should restore Riga to Poland, he is sanguine enough to think that King Sigismund will, out of regard for his own interests, allow the city to keep up its connection with the company, which the Duke of Courland and the Elector of Branden-

²⁹⁹ Korte aenwysinghe vande groote Nutticheyt, etc., dated Riga, Jan. 4, 1628 (Bibliography, II., No. 33).

³¹⁰ In regard to the condition of Livonia in general, and of the towns, at this time, I have derived most information from L. C. de Bray, *Essai critique sur l'histoire de la Livonie*, Dorpat, 1817, ii., pp. 214-252. The history of the wars may be followed in Geijer.

burg (for Prussia) will also desire him to do. His old distrust of Catholics is still strong, but he does not apprehend much from enfeebled Poland. Perceiving how religious the people of Riga were, how constant in attendance at church, he hopes much from the assistance of the clergy for this excellent and godly work, as well as from the noteworthy loyalty of the inhabitants. As to their ability, they have evidently suffered much from the war; in particular, they were just now straitened for money, because the garrison had failed to receive its pay. Yet if every house in the town should invest a hundred dalers, this would amount to a subscription of sixty or seventy thousand dalers. From which it would appear that Riga at that time consisted of six or seven hundred houses;—and also that Usselinx did not mean to do his business as collector in a superficial manner, nor to let the authorities fail for want of definite and inclusive suggestions; the more so, that the whole town was included in the great and small guilds. He proposes, therefore, that the chancellor's letter, his pamphlet (the *Auszführlicher Bericht*), and the charter, should be read to the patient brethren in each guildhall, and a book left in each for subscriptions. It was hoped that enough might be got in Livonia to enable it to have a "chamber"—that is, it will be remembered, 300,000 dalers.

Difficult as it might seem to escape a collector of this sort, not much seems to have been subscribed here. A month later he speaks of the Livonia subscriptions as amounting to fifty thousand dalers, but this includes those of the governor of the province (Jakob de la Gardie), of the governor of Riga (Svante Banér), and other officers, as well as of the Livonian officers in the army in Prussia. It also probably includes those of other towns. For, leaving Riga under the convoy of the second in command, Gustaf Horn, whom perhaps he knew (for Horn had seen campaigns under Prince Maurice, and had been in Holland again in 1623⁸¹¹), he pushed on northward to Treyden, where he narrowly escaped being involved in a siege of the place by the Poles, and thence to Wolmar, to Pernau, at the northern corner of the Gulf of

⁸¹¹ *Biographiskt Lexicon öfver namnkunnige Svenska män*, s. v.

Riga, and so across Esthonia to Reval. This was no easy journey to make in midwinter, especially as no posts had yet been established on these roads, though inns had recently been set up here and there.²¹²

At Pernau the authorities excused themselves as too poor. At Reval, where Usselinx arrived early in February, the records show that, Burgomaster Derendahl having laid the matter before the town-council in the archive-room, a committee was appointed to confer with Usselinx on the next day in the great guildhall.²¹³ What ensued we know from his own letters. He presented to them the next day a memorial of some length, in which he advances many of the same arguments for the company as at Riga.²¹⁴ The old Hanse town had greatly declined, as he saw by the great size of the warehouses, while now he makes estimate of but five hundred householders; how its trade may be built up he shows as in the former case. But here there was an especial difficulty to meet, in that the king had established and rec-

²¹² De Bray, *Essai critique*, ii., pp. 248, 249.

²¹³ The text of the entry may be of interest. I am indebted for a copy of it to the kindness of Dr. Theodor Schiemann, archivist of the city of Reval, who obligingly searched the city archives for materials useful to my purpose, and sent me, with the following, two extracts from memorials of the town-council to the king, dated May 1, 1626, and Jan. 14, 1629, showing their attitude toward the Finland Company.

“1628 den 6 Februarii in grammatophylacio

Herr Derendahl proponiert, dass Wilhelm W^{ss}selinx bei seiner Hochwürden umb bescheid auf des h. Cancellarii Sprechen wegen der Australischen Compagnie angehalten.

Abscheid

Es sollen morgen wegen des Rathes Herr Bartelmeus Rotertt, Herr Thomas Luehr, H. Thomas Schrowe, H. Johann Thier, H. Andreas Stampeel, H. Thomas von Drenteln und wegen der Gemeine auch etliche auf der grossen Gildestuben erscheinen und des W^{ss}selinx proposition und Vorbringen einnehmen, und einem edlen Rath wieder referiren.”

The record of the next day's meeting appears to be lost.—The names and language show the merchants to have been mostly German. There was, however, a flourishing Swedish community at Reval at this time. Russwurm, Eibofolke oder die Schweden an den Küsten Ehtlands und auf Runö. Reval, 1855; pp. 156, 157.

²¹⁴ Korte aenwijsinghe hoe de Stadt Revall, etc., Feb. 7, 1628; (Bibliography, II., No. 34).

commended to the townsmen a Finland Company and a Russian Company. In combating these, Usselinx argued that the whole Finland trade was not more than enough for three or four merchants, and that the Russian trade with Western Europe was now too firmly seated at Archangel to be diverted by any such amount of capital as they had. The council replied that until they had further directions from the king they would not venture to divert their efforts from the two companies he had already established for their benefit; doubtless, too, the heavy war contributions levied upon the city made them disinclined to new undertakings of any magnitude.²¹⁸ And so Usselinx went on to Narva, which, though of slight resources, proved well disposed to his schemes. Thence he went through Ingermanland, getting some promises, around the head of the Gulf of Finland, near where the Czar Peter, when the district became his, founded the great city that did divert the trade from Archangel, and so through southeastern Carelia to Viborg.

If Livonia and Esthonia were poor, Finland was perhaps even more so. It had been much injured by the wars and by the oppressive exactions of the nobles. The entire revenue of the king from it seems to have been, a few years earlier than this, not more than 176,000 dalers, (say \$120,000); the entire population was not more than 300,000. Oxenstjerna, after going through some of the oldest settled parts, wrote: "We have seen in the summer time the districts of Wehmo and Masku; there was no cultivation of the soil, and the only inhabitants were wild animals." The silver had mostly left the country, for the ransom of Elfsborg. The taxes were heavy. On account of the tax on country produce the towns were palisaded around; and within the towns the trades were kept under close regulation. Manufactures were in a very backward state. There was in the country one iron-foundry, and a few saw-mills; some musket-barrels were made, and some saltpetre, and there was one powder-mill.

²¹⁸ The former is Usselinx's statement of their reply, in the letter to Oxenstjerna, of July 19, 1628, (Bibl., II., No. 40), which describes this journey. The latter is suggested to me by Dr. Schiemann.

The governor, Nils Bielke, had done much for the country recently, but with a strong hand. Commerce was hampered by rigid restrictions. The ordinances by which, as has already been mentioned, the foreign trade of Sweden was made a monopoly for the benefit of a small number of staple-towns, were extended to Finland. Only Abo and Viborg had complete rights of external trade; Borga and Helsingfors had enjoyed them, but these seem recently to have been deprived of them, and trade was concentrated in two towns.²¹⁶

A country so thinly populated, so primitive, and so poor could hardly be favorable ground for the projector's operations. But nothing daunted him. Within three or four days of his arrival at Viborg he approached the council, and finding them inclined to demur at first, addressed to them a memorial in substance like those already described, but adapted skilfully to the circumstances of the place.²¹⁷ As at Reval he endeavored to persuade the burghers that the scheme of an exclusive Finland Company, with its staple at Reval, was against their interests, and the Russian trade irrecoverable; he also urges the fostering of manufactures. With a curious minuteness he shows how easily a large sum can be gathered together if all do their part. "Suppose," he says, "that there were in Finland but one hundred *soeken* (parishes), and that each parish had two hundred householders; that would be 20,000 householders. If for four years each house laid by half a mark every week, that would be in all 520,000 dalers." Or if only a fourth of them laid by as much as that, another fourth only two *rundstycken*, the rest one

²¹⁶ For the state of Finland at this time I have used Yrjö Koskinen, *Finnische Geschichte*, (German translation), Leipzig, 1874, pp. 200-217, 267-270; C. F. Rûhs, *Finland och dess Invånare*, Stockholm, 1827, pp. 77-90; Governor Per Brahe's report of 1638 in the Stockholm Academy's *Handlingar rörande Skandinaviens Historia*, xxi., pp. 427-442; and, on commercial regulations, E. G. Palmén, *Historisk Framställning af den svensk-finska Handelslagstiftningens Utveckling*, Helsingfors, 1876. I regret that I have not been able to procure a copy of Waaranen, *Landtdagen i Helsingfors 1616 och Finlands dåvarande Tillstånd*.

²¹⁷ *Bedenckinge van eenige besondere voordeelen die de Stadt Wijborgh, etc., Feb. 23, 1628; (Bibliography, II., No. 35).*

rundstyck, per week, that would be 260,000, which, with the subscriptions of the nobles, clergy, and military officers, would be enough to entitle Finland to a chamber.²¹⁸ The practical man might easily reply that nations do not often subscribe with so ideal completeness; but the practical man might well envy Usselinx his courage, perseverance, and determination.

At Viborg he seems to have succeeded fairly. The bishop helped heartily,²¹⁹ and all the clergy of his diocese subscribed. But soon after he left a fire destroyed the town, and made his labors vain. Taking with him a citizen of Viborg, Anteunis Bryer, a Dutchman perhaps, he pushed on westward along the shore of the gulf. Borgå and Helsingfors, by the recent withdrawal of their commercial privileges, were too impoverished to do much. At Åbo, the chief commercial town in Finland, difficulties at first arose of a somewhat amusing sort. The Chancellor's letter, at first presented, was treated by the town-council with some suspicion. The governor thereupon summoned them to the castle, but none appeared, apprehending that they would be forced to subscribe whether they would or not. Usselinx then prepared one of those memorials of which he was so prolific, caused it to be hastily translated into Swedish and Finnish (for though the Swedish language was somewhat favored by the government and Usselinx's own language was not unknown in Åbo, even the cultivated classes still commonly used Finnish²²⁰) and caused it to be read to the council.²²¹ They expressed their approval of the scheme, and explained that at first they had supposed it to be simply some new

²¹⁸ Eight *rundstycken* made a mark; four marks a daler.

²¹⁹ Usselinx had perhaps a special letter to the bishop, memorandum of June 12, 1627, (Stockholm MSS.). In 1618 the diocese of Viborg had again been set off as a bishopric; Olaf Elimæus, who had been pastor of the principal church in Stockholm, but was of Finnish origin, was made bishop, (d. 1629). Yrjö Koskinen, *Finnische Geschichte*, pp. 210, 212.

²²⁰ Koskinen, pp. 206, 269, 270. Ruhs, *Finland och dess Invånare*, p. 89.

²²¹ This is preserved in the Swedish, *Kort förklaringh*, etc., Mar. 9, 1628, (Bibliography II., No. 36.). It scarcely differs from the memorial handed in at Viborg. He estimates that there are a thousand householders in Åbo.

form of taxation, with which they were already greatly burdened.

And so in general, as he continued his journey, passing through the remaining towns of Finland, and (perhaps around the head of the Gulf of Bothnia) southward along the upper coasts of Sweden, he seems, everywhere but at Gefle, to have met with a favorable reception. There was no one, he says, burgher or peasant, who did not wish to invest in the company, one saying he would rather sell a cow, another a horse, another his silverware, than not join it; but he had found the poverty in many places very great. The various arguments which he used among them he collected after his return in one extensive paper which he hoped to get printed, having perceived, apparently with some surprise, that his previous writings were little known in these rural and secluded regions, though as for contradictions, he had heard none anywhere, "save from drunken fellows that sat on alehouse benches railing without ground or reason."²²³

He urges the utility of the manufacturing industries which the company would stimulate; these would furnish occupation in winter, when it was impossible to fish. He even holds out the possibility of regaining the Russian trade, quite against what he had said at Viborg; the cause of the change and the degree of its sincerity we shall see later. He confutes especially two objections: first, that if there were any such opportunities as represented, the Dutch would surely have taken them before this; second, that it is not a good time for such things while Sweden is engaged in war. But, he says among other arguments, the Dutch, when they be-

²²³ Korte aenwysinghe van eenighe besondere voordeelen, etc., written I suppose between May 5, and May 29, 1628; (Bibliography, II., No. 37). The reader, I may observe, should not be misled by the word "Short," at the beginning of one of Usselinx's headings; *e. g.*, this document covers, in my copy, thirty-three full pages of letter-paper.

What he says of population in the regions last traversed may be worth preserving, though not material to my narrative. In Finland and Norrland he thinks there may be about 4,000 burghers (heads of families are meant); the 200 parishes probably contain on the average 200 peasants each, making 40,000 in all. If 200 peasants to a parish in Norrland seem too many, there are more than a hundred parishes, and in Finland the parishes are large.

gan, were as much afraid of the superiority of the Spanish and Portuguese as you now are of theirs. And as for war, this is as necessary as the war, and helps to provide resources for it; and if we were to wait for wars to cease, we might wait forever.

Usselinx arrived in Stockholm on the third of April, after a journey whose discomforts and dangers, in the seventeenth century, in the depth of winter, and to a man of sixty, must have been very great. He found that little had been done as he wished, and much had been done that he did not wish. Per Andersson, the first of his assistants whom Usselinx regarded as efficient, had got subscriptions of 10,000 dalers at Nyköping, of 14,000 at Norrköping, but had since done little. It seems to have been reported that Usselinx was dead.²²³ At all events, the directors had concluded to use the money in the Russian trade. Usselinx was strongly opposed to this; but in this purpose of theirs lies no doubt the secret of the change of his opinions on this subject between the date of his memorial written at Viborg and that of the general address to all Finlanders and Norrlanders written at Stockholm. They had entered into an agreement with the Belgian immigrant Louis de Geer, famous for his services in fostering Swedish industries, but who was not even a member of the company, to buy hemp and manufacture cordage extensively.²²⁴ They had been induced by Johan Sparre, governor of the Copper Company, to take up some unsalable property which that company had in Russia. Schemes of trade with Spain, of a monopoly of salt, had been broached, while opportunities of gain in the regular sphere of the company had been neglected. The three directors paid no attention to the injunctions of the charter, seldom came together, did no work, and did not even remain in Stockholm.

²²³ So Usselinx states in the letter of Sept. 11, 1636; *Kronijk of the Historisch Genootschap te Utrecht*, xxix., pp. 137, 138. The other facts here given are from the letter of July 19, 1628, to Oxenstjerna.

²²⁴ The king gave them land for a rope-walk in Norrköping, behind the brick-sheds of the church, by a grant of Apr. 24, 1628, of which I have a copy; *För General Handels Compagnie på een Reparebaan*, Stockholm Archives, Riks Registrat., 1628, fol. 290, v.

This was no way, Usselinx thought, to manage a great trading company ; " it must be done very differently, if it is not to be a Tower of Babel instead of a South Company."

We need not suppose that all these complaints of Usselinx were well founded. He was really furnishing materials for a criticism of himself while he thus censoriously criticised others. But at any rate they let us see how great were the difficulties which beset the establishment of such a company in such a country. They show us how far its actual workings were likely to vary from the elaborate constitution and plans framed for it. For the framing had been done by one educated in the strict school of regular commerce and little skilled to adapt himself to the irregular methods of an uncommercial people and the crude expedients of infant industries.

After all, the chief factor was the government. Upon its course Usselinx naturally passed little criticism beyond declaring his belief that so many new companies ought not to have been started while this was on foot,—an iron company, a silk company, a Finland company, a Russian company, and now there was even talk of a tar company,—all which was simply putting the shirt on over the coat, and turning the water from the right mill ; the new depreciated copper money had also done much harm. In general, it had to be confessed that the government was not remiss in the matter. It had ordered that the first instalment of all subscriptions should be paid in by May 1st, on penalty of due indemnification to the company, the king at the same time agreeing to pay in his own (which, by the way, he did not do).²²⁵ The king having given land for a rope-walk, the council urged on Per Andersson to the manufacturing of cordage. After a conference with Usselinx, they approved the translating and printing of his last discourse, and resolved to collect at once the subscriptions he had got in Livonia and

²²⁵ A. A. von Stiernman, *Samling utaf kongl. bref, stadgar och förordningar*, etc., i., p. 958, under date of Jan. 11, 1628. A manuscript copy of this is to be found among the Mickley papers in the library of the Historical Society of Pennsylvania. A translation is printed in *N. Y. Col. Docs.*, xii., pp. 15, 16.

Ingermania. They charged Eric Jöransson and Holger Scheiding, governors respectively of the *läns* of Östergötland and Nyköping, to collect those secured in their districts.²²⁶ There was one piece of governmental activity, however, that can hardly have given Usselinx much pleasure. In April the chancellor, not knowing he had returned, appointed as agent for the securing of subscriptions in Sweden one Anton Graphaeus, lest the good work should languish "while the aforesaid Yssling remains with the Livonian army."²²⁷

In view of the events of the next year, there is some reason to suspect that all this activity of the council in the matter, during the spring and summer of 1628, was not caused solely by zeal for the interests of the West India Company or of Willem Usselinx. There was no such zeal in the spring and summer of 1627. But since then the political situation of Sweden had become in a marked degree different. The victorious armies of Tilly and Wallenstein had not only broken the power of the king of Denmark and excluded him from further participation in the German conflict, but even confined him within the island portion of his dominions. Wallenstein had overrun all Schleswig and Jutland, had appropriated the two duchies of Mecklenburg, and had begun his attack on the seaports of Pomerania. Beneath all this there lay a large design, which Gustavus was not slow to penetrate. It was the purpose of the two Hapsburg monarchies, by gaining possession of the Sound if possible, at all events by seizing on all the Baltic seaports that they could, to win for themselves the control of the Baltic Sea. And this was to be but a means toward their greater ends of universal monarchy and the triumph of Catholicism. By the control of the Sound, and the conse-

²²⁶ Riksrådets Protokoll, i., pp. 69, 75, 92 (it was at the meeting of May 29th that Usselinx was present). Letters from the Stockholm Archives: Till Peder Andersson om Repparebanens fortsetning I Norkiöpingh och Linkiöpingh, May 12, 1628; Till Stådhollaren Erich Jörensson (and Holger Skeidingh), July 8, 1628. Rådets Registr., 1628, foll. 624, 697.

²²⁷ His commission, dated Elbing (in Prussia), April 28, 1628; copy from the Stockholm Archives, Oxenstj. Samling.

quent stoppage of naval and other supplies, the Netherlands were to be reduced to submission. In the cities of Mecklenburg and Pomerania the Hapsburg power was to be firmly seated upon the Baltic, and then a great fleet should be gathered together. This should then not only prevent the dreaded interference of the Swedish king in the great German war, but also attack the northern kingdoms themselves, and bring the Baltic regions and all their trade under imperialist control. It was with all this in view that Wallenstein took the title of "Admiral of the Oceanic and Baltic Seas," and made strenuous efforts to draw the Hanse towns into close commercial alliance with Spain and the Empire. He writes to Arnim this winter: "The towns must furnish ships of war, for I strongly desire next year to be strong on the sea," and again: "Pray use all possible effort that we be strong on the sea next spring, for what we are now to do must be done by sea."

Gustavus Adolphus perceived the drift of events. He wrote to Oxenstjerna this winter: "We can scarcely avoid being involved in this war, for the danger comes nearer every day." He had been busy in negotiation to defeat the imperialist designs, and in the month of Usselinx's return had signed an alliance with Denmark, binding himself, among other things, to furnish eight ships of war. When the important city of Stralsund was attacked, he wrote to the council that the emperor must not be allowed to obtain it; "Denmark and the Sound would thereby be lost, and then Sweden's turn would come next, even if the danger could for some time be delayed. How could our fleet suffice to defend the coasts of Sweden, Finland, and Livonia?" He threw Swedish troops into Stralsund, and sought the alliance of the Hanse towns.²⁸⁸ Under this aspect of affairs the needs of the Swedish naval service were manifest. The suggestion is therefore not a very remote one, that any unusual access of zeal for the

²⁸⁸ In the preceding I have principally used Droysen's *Gustaf Adolf*, i., pp. 283-348. Cronholm, *Sveriges historia under Gustaf Adolf*, ii., p. 315, says moreover that in March and April, 1628, there were rumors of a Spanish armament being fitted out at Dunkirk, and directed against the Baltic lands; the same appears from *Riksrådets Protokoll*, i., p. 99.

South Company on the part of the council had an ulterior purpose, a purpose which later events exhibited;—though doubtless the furtherance of Swedish commerce was also sincerely desired.

Of all this, however, Usselinx knew nothing. There was more truth in his phrases than he thought, when in a letter to Oxenstjerna, this summer, he conceded that the government must take account of "certain high and princely considerations which do not occur to so small an understanding and so mean a spirit as mine." He went on in entire simplicity making preparations to begin, if not this year, then the next. As the king was departing, he wrote to him requesting certain privileges, the payment of the first instalment of the royal subscription, and the promised loan of ships to the company, to the number of eight. He also requested that his recent discourse for the Finlanders and Norrlanders should be forthwith printed in Swedish and Finnish. In this letter he makes the sanguine estimate that the capital of the company may after a few years come to be thirty million dalers, and that it will raise the annual trade of the kingdom from not more than twenty-five millions to a hundred millions.²⁹⁹ In spite of some discouragements as to collections, it was thought some small beginning might be made this year. The king assigned one ship and a pinnace for the purpose. It was doubted whether, with so small an expedition, it might not be better to begin with the Russian trade. The council referred this to the chancellor; and apparently no start was made at all.³⁰⁰

Of more direct interest to us is a part of the contents of a long letter which Usselinx on July 19th sent to the chancellor, accompanied by a paper of suggestions. Much of this letter is occupied with a narrative of his journey around the Baltic and what he found on his return; these things have already been spoken of. But there are also passages which

²⁹⁹ Letter to the King, May 5, 1628 (Bibliog., II., No. 39). The preceding quotation is from the letter of July 19, 1628.

³⁰⁰ Riksrådets Protokoll, i., pp. 81, 96, 97. Letter to the Chancellor, July 14, 1628 (Stockholm MSS.), Rådets Registr., 1628, fol. 709 v.

show which way his mind was tending, now that immediate success here seemed denied. He relates in much detail how information had been received of great subscriptions to the company forthcoming from the Netherlands (800,000 florins, it was said), if its affairs were properly ordered. Again, speaking of the little regard in which his advice seemed to be held in spite of his long training in the high-school of commerce, the Netherlands, he asks to be allowed to go back to his own country, where the States General will certainly pardon his work for a rival company, and rejoice more over his return than over ninety and nine that need not their pardon.

From what he says of his personal affairs, we need not wonder that he desired to go back to the often-mentioned four thousand florins a year. The king had promised him a thousand dalers a year until the company was in operation; but this had been reduced to four hundred, or, since the currency was depreciated and prices high, virtually two hundred and fifty. Of this he had received about two hundred, beside three hundred and fifty from the chancellor. He had run in debt for his journey, and had spent about four hundred dalers for translating, copying, printing, and binding, in Hamburg and Stockholm, beside journeys within Sweden. "And since through age, with some assistance from cold winds, I begin to be stiff, and have had much writing to do in this business, just before my departure for Prussia I invited hither, to help me, my sister's son, who has for eight years written in a notary's office, whose writing your Excellency can see in the accompanying memorials, and who has attended me here for nearly a year, wherewith I have been still further burdened, so that I do not know any longer how to maintain myself, unless His Majesty most graciously consents to relieve me with some money. I make complaint only because of great need, for asking is so much against my nature that it gives me more distress than what I receive brings of pleasure." The king has indeed, in the charter, promised him an adequate recompense when the company is at work; but he may perish meantime. If the king proposes to have the work go on, he is "ready to make himself useful therein

anew and as freshly as if he had not done any thing or labored at all for it." But if not, he prays that his expenses may be paid and he be allowed to returned to the Netherlands.²²¹

In October things looked no better; in fact, rather worse. The sister's son had had to be sent back for want of support, after costing three hundred and fifty dalers. Nothing had been done. The company seemed to have dwindled to a rope-walk, and Director Per Andersson stayed there, probably, Usselinx suggests, to assist the parturition of his laboring mountain, and draw his mouse into the world by ropes. The subscriber had better have learned to play the fiddle, by which he could at any rate make his expenses, or keep books for some merchant, in which he was as experienced as many that get a thousand dalers a year, than have come here. But now that, through no fault of his, all hope of success in the project is virtually gone, he had better go back to the Netherlands, where, beside the chances already mentioned, he makes the somewhat surprising assertion that the East India Company had several times desired him to be their general in the East Indies.²²²

It was not difficult to see that the fortunes of the South Company were at the lowest ebb. That Sweden was to participate in the Thirty Years' War was virtually decided, and there was little leisure for other schemes, and a tendency at least to use them for purposes of state. When the king got back to Sweden in December, Usselinx very soon obtained his request. He seems to have been quickened in his desire to revisit the Netherlands by the news of the great victory in the Bay of Matanzas, in September, 1628, by which the company's admiral, Piet Heyn, had captured the Spanish silver-fleet with enormous treasures, the most glorious achievement in the history of the Dutch West India Company; for he thought he could give advice as to the

²²¹ Letter to Oxenstjerna, July 19, 1628, with brief accompanying memorial, *Memorie aen syn Genaede de Heer Ryckx Cancelier*, of the same date, (Bibliography, II., Nos. 40 and 41).

²²² Letter to Oxenstjerna, Oct. 13, 1628. (Bibliog., II., No. 42.)

best way of using the money acquired by the company he had done so much to found. His own account, as given long afterward in a letter to the States General, was that the king was unwilling to let him go, fearing that he would not come back, and promised him more money. But Usselinx thanked him, declaring, so he says, that that was not what he wanted, but simply to give the States suggestions valuable to both governments, which he then in secrecy imparted to the king, and promised to return. At the intercession of the vice-admiral, Clas Fleming, and the marshal, Didrik von Falkenberg, who was about departing on a mission to the Netherlands, the king consented. He also gave him money for his journey, and letters to the States General and Prince Frederick Henry, in which he congratulated them on the recent victory, and heartily recommended to them "the experienced and to us sincerely faithful Wilhelm Wsselinx, whose knowledge and expertness, in regard to the affairs and regions of the Indies, clearly perceived by us, will, we doubt not, be of great advantage to you in respect to any further expeditions to those coasts," and urged them to hear and promote his schemes. With these letters, and in the company of Falkenberg, Usselinx set out at the end of January, 1629, and, after a somewhat dangerous passage (they had at the beginning to force a passage through the ice for two miles), arrived in the Netherlands on March 13th.²²²

²²² This account is given in the letter of Oct. 3, 1644, printed in Van Rees, *Geschiedenis der Staathshoudkunde*, ii., p. 466. The Latin letter of Gustavus to the States is given in full in the *Argonautica Gustaviana*, as Appendix D to the *Mercurius Germaniae*, p. 38. The essential portion is the following passage: . . . "praesentium vobis exhibitoem, Prudentem nobis sincerè fidelem Wilhelmum Wsselinx diligenter commendemus: quippe de cuius in rebus & regionibus Indicis peritiâ & nobis satis perspecta solertiâ nihil ambigimus, quin ad ultiores in istas oras expeditiones magnum vobis allatura sit emolumentum. Amiciterq; à vobis requirimus, ut dictum Wsselinx benignè suscipiatis, & quae super eiusmodi expeditionibus allaturus fuerit consilia & rationes non modò libenter audiatis, sed etiam quantum in vobis est ope & auxilio promoveatis: indubij; quaecumque movet & molitur si apud vos locum invenerit, tum in vestrum tum in *totius oppressae Christianitatis* commodum & utilitatem evidentè sint cessura."

The date of this is Jan. 27, 1629. In the want of any private letter of Gustavus respecting Usselinx, I should be glad to believe that these were more

Many things had changed in the Netherlands in the five years or more during which Usselinx had been absent. Prince Maurice had been succeeded by his brother, Prince Frederick Henry; and Breda had fallen. But Usselinx was destined to find that the States General and the Nineteen of the West India Company had not changed; the States of Holland he does not seem to have thought it worth his while at first to approach. But to the States General he offered to make propositions of great importance, looking not only to the ending of the war and the driving out of the Spaniards, but also to the assistance of oppressed Christendom, and especially to the advantage of the West India Company, on condition that they should suitably reward him for the great services he had previously done.²²⁴ The committee, appointed by the States General to hear him, asked him for an exposition of the things which he had to tell, which he supposed new, thinking he had little of value to say. He replied that he would not have come all the way from Sweden if he had not, and told them two things, which however pleased them so well that they reported favorably; one of his suggestions was that they should take with them Don Emanuel of Portugal; the other, to use larger forces in Brazil. The States General resolved, April 17th, "that the above-named Usselinx shall go to the meeting of the Nineteen of the said West India Company, that with them his claim, as well as his further offer, may be duly considered."²²⁵

This resolution was not presented to the meeting of the Nineteen at that time, partly because Usselinx thought it

than set phrases, or indications of more than a willingness to do a man a good turn; but I hardly think they are. A bad translation of the letter is to be found in Mickley's little pamphlet, *Some Account of William Usselinx and Peter Minnit*, p. 15.—From this point on in my narrative the dates may be presumed to be according to the new style, until another statement of change is made.

²²⁴ Preface of Feb. 14, 1630, to the States of Zealand, in the *Waerschouwinge Over den Treves*, edition of 30 pp. (Bibliography, I., No. 22; No. 21 does not contain it).

²²⁵ Letter of Oct. 3, 1644, Van Rees, ii., p. 467; *Mercurius Germaniae*, pp. 17, 18. The resolution is to be found in the *Argonautica*, as Appendix E to the *Mercurius Germaniae*, p. 39; badly translated in Mickley, p. 16.

was the government who owed him, and partly because he suddenly had to make a journey to Prussia to see the king on important business, a journey which was one of the few dramatic episodes in his career, and was connected with important public events. The mission on which Didrik von Falkenberg had come to the Netherlands was a twofold one. He was to assist Ludwig Camerarius, the ex-chancellor of the Elector Palatine, who was now the minister of Gustavus at the Hague, in the negotiations for the renewal of the alliance of 1614, and he was to enlist troops for the king, to the number of four regiments, for service in Prussia. Vexed by certain restrictions placed upon Baltic trade by his master, the States General refused him permission to make his enlistments. But the town-council of Emden, in East Friesland, then controlled by the United Netherlands, though not a part of them, gave him the desired permission and mustering-place. Here he formed a plan of making East Friesland itself a base of Swedish operations against the imperialists in the coming war and so creating by these troops a diversion. But the States General, wishing to preserve neutrality toward the empire, forbade him to raise troops in Emden even, and drew off some of those his lieutenants had elsewhere obtained, for the service of their West India Company in the expeditions into which its recent success was leading it. The marshal complained bitterly of "the pride of these peasants"; but his enlistments were not wholly prevented, and Usselinx, it seems, went to Emden to help him. Suddenly the operations of both were interrupted by startling military news.²⁸⁶

²⁸⁶ Schybergson, *Sveriges och Hollands diplomatiska förbindelser*, pp. lxxxvii.-xcvii. Four letters from the Stockholm Archives, viz.: Falkenberg to the king, Amsterdam, April 18, 1629; the king to Falkenberg, Stockholm, May 13, and Marienwerder, June 13 (Riks Registr., 1629, foll. 238 v., 324 v.); Falkenberg to the king, Amsterdam, June 16. The letter of the king to the council of Emden on the subject of recruiting is given as Appendix LVIII. in Onno Klopp's *Tilly im dreissigjährigen Kriege*, ii., pp. 458, 459. See also Dr. Kullberg's note in *Svenska Riksrådets Protokoll*, i., p. 132; Arend, *Algemeene geschiedenis des vaderlands*, iii : 4, pp. 391, 392, 470-472. On the mutual attitude of the Netherlands and the Empire (and League), Klopp, ii., pp. 28-30.

Abandoning the defensive policy which the republic had followed since the fall of Breda, Prince Frederick Henry had in April formed the siege of Hertogenbosch (Bois-le-Duc), a strong and most important position on the southeastern frontier. The siege was conducted with consummate skill. But so largely were the troops engaged in it that the eastern frontier was left somewhat open to attack. The army sent out from Brussels to relieve the besieged city, joined by a body of imperialists under Montecuculi whom the peace with Denmark had set free, suddenly crossed the Rhine, first threatening Friesland and Groningen, the northeastern provinces, then, turning westward, crossed the Ijssel, overran all Gelderland, and even penetrated into Utrecht and captured Amersfoort, almost in the heart of the Netherlands.³⁸⁷ The alarm was prodigious. Every effort for defence was at once made. When it was supposed that Friesland and Groningen were threatened, the States of those provinces asked Falkenberg to lend them the four regiments he had with so much difficulty raised. He refused, and Usselinx tried in vain to persuade him. Finally he sent Usselinx to the Hague to get the advice of the ambassador Camerarius. Though hindered by bad weather, he made the journey in five days and a half, but got no decided reply. But now the enemy had turned into the Veluwe, whereupon the States General themselves made the same request to Falkenberg. But he, since his ships were hired and all was ready to transport the men, and since he had no authority from the king and had been vexed at being hindered in his work, refused as before. Usselinx urging him to consent, the marshal, he says, "said finally, 'I know you are in favor with his Royal Majesty, and have free access to his chamber. If you will make the journey to Prussia, and take upon yourself the matter of answering for this to his Royal Majesty, I will give over the troops.' I did not wish to do it, but seeing how important it was to the state in such case of need, and that it could not be done in any other way, I undertook it. The marshal

³⁸⁷ Arend, *Algemeene geschiedenis des vaderlands*, iii: 4, pp. 370, 371, 381, 388, 393. Wenzelburger, *Geschichte der Niederlande*, ii., pp. 908-913.

thereupon intrusted to me the drawing up of an agreement respecting the conditions on which the transfer should take place ; which minute I still have in my possession."²²⁸

Taking a pass from the authorities of the city of Groningen under the name of Willem Willemsen, Usselinx set out on his journey to the king, probably early in August. He went by way of Hamburg, where large enlistments for the Swedish army were openly being made,²²⁹ and Lubeck, and thence with good speed to the king in Prussia. He probably found the king in his entrenched camp near Marienburg, where the Swedish and Polish armies lay opposite each other, pestilence making fearful ravages in both ; "the plague so hott in both," writes Sir Thomas Roe, the English ambassador, a few days later, "that I never saw such a mortalitye in Turkey, India, nor I thinke can be in Cayro, the seat of the plague, for the number."²³⁰ Active hostilities had ceased and, with French and English mediation, the two parties were engaged in the negotiations which later resulted (September 14) in that six years' truce with Poland which left Gustavus free to engage fully in the German war. Nevertheless, the king was ill-pleased at not receiving the expected troops. Usselinx appeased him as far as might be, and was sent back with instructions for Marshal Falkenberg to follow henceforth.

²²⁸ A full account is given in the letter of Oct. 3, 1644, in Van Rees, ii., p. 467 ; a briefer but earlier one in the *Argonautica*, *Mercurius Germaniae*, p. 18. Arend, *Algemeene Geschiedenis*, iii : 4, p. 392, relates the transfer, but ascribes to Camerarius the undertaking to Falkenberg to make it right with the king. Reference is made to resolutions of the States General of which I have not copies ; but I am inclined to accept the account given by Usselinx, though it may contain some exaggeration of his own importance in the affair. For the following account of the journey, the sources are : the above-mentioned letter of Oct. 3, 1644, Van Rees, ii., p. 468 ; a letter to the Chancellor, Stralsund, Nov. 12, 1630, (*Bibliog.*, II., No. 46) ; and *Mercurius Germaniae*, pp. 18, 19. As the enemy crossed the IJssel on July 22d (Arend, iii : 4, p. 388), the journey may be supposed to have begun about the beginning of August.

²²⁹ Droysen, *Gustaf Adolf*, ii., p. 102. For the negotiation of the Polish truce, below, ii., pp. 19-24.

²³⁰ Roe to Dorchester, Sept. 17, 1629 ; Letters relating to the Mission of Sir Thomas Roe to Gustavus Adolphus, 1629-30, ed. S. R. Gardiner, in *Camden Miscellany*, vol. vii., p. 37.

While returning by sea, the ship in which Usselinx sailed was captured off Travemünde by Spanish and imperial war vessels, under the orders of the Spanish "commissioner of the Baltic and Oceanic sea," Gabriel de Roy, who had recently arrived in the Baltic with a Spanish flotilla (for in the naval schemes in the Baltic the Spaniards were engaged no less than the imperialists).³⁴¹ Being surprised, he had no time to throw his papers overboard. "I had with me," he writes to Oxenstjerna, "his Royal Majesty's letter of credence, a memorial from the marshal, with a copy of the memorial which I had delivered to your Excellency, a cipher alphabet from Herr Rasch, and a copy of the letter of the States General to the directors of the West India Company, urging them to recompense me, because I was the inventor and promoter of the West India Company, (a fine recommendation to Gabriel de Roy, the King of Spain's commissioner). These papers lay in the fourth coverlet of the berth in which I had slept. Since there was no opportunity to present them to Neptune, they were offered up to Vulcan, and I believe he never had a more willing sacrifice."³⁴²

After being examined he was taken to Wismar, in Wallenstein's duchy of Mecklenburg, a port used by the Spaniards as a rendezvous. Dutch ships with other passengers were brought in at the same time, and these men were lodged in inns or burghers' houses; but especial suspicion fell upon

³⁴¹ "The Spanyards doe there joyne in dessigne with the Imperialists, and by employing divers persons, some of quality and comaund, others of insight and experience in sea affayres, seeke to make a connection and correspondence betwixt the ports of those provinces and those they have in Flanders, after the same manner of Admirantagos as they have established of late years betwixt the ports of Flanders and those of Spayne, and this with a great and dangerous designe of perfecting that dominion at sea which of late yeares beyond example of all former tymes they have advanced at land." Instructions to Sir Thomas Roe, in Letters relating, etc., in Camden Miscellany, vii., p. 12. Usselinx, also, says in the *Waerschouwinge*, p. 15 (of No. 22 in my Bibliography): "Met de admiraliteyt tot Wismar is te presumeren, dat de Vyanden oock niet goets inden sin hebben, derhalven sal in Treves of Oorloghe daer dienen of ghelet. Ick hebbe daer inde maent van October inde twintich Schepen ghetelt, waer onder eenighe waren die veertich of vijftich poorten hadden."—On Gabriel de Roy, Droysen, *Gustaf Adolf*, ii., p. 98.

³⁴² This is from the letter of Nov. 12, 1630.

Usselinx. A malicious fellow-passenger declared that he was engaged in establishing a company in Sweden, and so, after a second examination, the provost put him in prison; his assumed name, he thought, was all that saved his life. Orders were given to put him to torture, and the executioner and his assistant came with all the instruments for that purpose, when a sudden and unexpected deliverance came, just in time. Word came from Wallenstein, from his ducal residence at Güstrow, not far away, to let the prisoners and the ships go, for he had no quarrel with the king of Sweden, or the Lords States General. And, in fact, we know that in just this month of October the imperial commander was full of apprehension of attack from the Swedish king, and anxious by all means to avert it.³⁴³ Set free in so remarkable a manner, Usselinx at once took ship and returned to the Hague.

Not long after his departure, Montecuculi and the allies had withdrawn, because of the capture of Wesel, Hertogenbosch had fallen, and the year was closing victoriously for the republic. In the attainment of this result, the troops lent for three months by Falkenberg had been an important factor, enabling the full force to be kept up before Hertogenbosch.³⁴⁴ But Usselinx was mistaken if he thought that great gratitude must therefore necessarily accrue to him. The troops once obtained, it could make little difference to the Lords States whether the authorization of the king of Sweden were afterward obtained or not. Falkenberg, indeed, might well enough have been grateful; but, on the contrary, he failed even to fulfil the promise which he made to Usselinx, to get him new letters from the king, to replace those which he had been obliged to destroy.

While waiting for these letters, he renewed his efforts with the Dutch authorities, to induce them to recompense him for former services. He applied to the States of Holland but they answered that they could do nothing for him.

³⁴³ Droysen, *Gustaf Adolf*, ii., p. 109. Klopp, *Tilly im dreissigjährigen Kriege*, ii., p. 32. That Wallenstein had at this time no real design of attacking the Dutch, is shown in Klopp, ii., pp. 28, 29.

³⁴⁴ Arend, *Algemeene geschiedenis des vaderlands*, iii : 4, pp. 406-410. Kullberg's note in *Svenska Riksrådets Protokoll*, i., p. 190.

The States General, after a committee had had a conference with him, on November 17th, gave him a letter to the directors of the West India Company, of similar import to that which they had given him in the spring, but suggesting also that they should find some employment for him, which Usselinx says he did not ask of them. A few weeks later the directors at Amsterdam replied that his services seemed to have been rather to the state than to the company, that the Nineteen had once before refused his request, and that, as for his valuable disclosures, he had declined to make any except in the presence of the commissioners of the States General; so they referred him back to that body, who thereupon let the matter drop. He had some good friends among them, who requested Prince Frederick Henry to intercede in his behalf with the States of Holland, who were especially opposed to him. The prince did so, but reported to Usselinx that he had too many strong enemies. Usselinx characteristically told him to inquire *why*.²⁴⁵

Whatever chances of success the petitioner may have had, he soon decidedly injured them by the part which, from highly patriotic motives, he took in an important political matter. Already in June Falkenberg had written Gustavus that there was some talk of a truce with Spain, especially among those of the party formerly led by Oldenbarneveld. The invasion of the Veluwe increased the tendency, but it did not cease when that invasion was repelled. The subject was abundantly discussed. Many remonstrances against it ap-

²⁴⁵ Arg. Gust., *Mercurius Germaniae*, p. 19; the two letters form Appendix F, p. 40; translated loosely in Mickley, pp. 17, 18. Preface to the States of Zealand, in *Waerschouwinge Over den Treves*, p. ii. (edition numbered 22 in my Bibliography). Letter of Oct. 3, 1644, in Van Rees, ii., p. 468. In this last the dates of the letters are given as Sept. 17th and Oct. 3d, but the copies in the *Argonautica Gustaviana* are dated Nov. 17th and Dec. 3d, and this is doubtless better authority, as more nearly contemporary. Indeed, in the Albany copy of the letter of Oct. 3, 1644 (Murphy MSS., A. 6), the reading is Nov. 1st and Dec. 3d. Moreover, the *Waerschouwinge* (No. 22), p. 15, shows Usselinx to have been at Wismar in October; see note 241. At the beginning of Appendix G to *Mercurius Germaniae*, p. 41, Usselinx speaks of a "deduction" presented to the States General in Nov., 1629; this does not seem to be extant.

peared, among them one of especial force from the West India Company. On the other hand, it was thought that if a peace or truce were to be made, one could hardly find a better time than this, when the armies of the republic had been so victorious; and the States General and States of Holland took the matter seriously into consideration.²⁴⁶

It can well be imagined what Usselinx thought of such proposals. In one passage he says that, knowing it would injure him, he yet felt it his duty to write a discourse against it.²⁴⁷ It does not seem certain that he could have expected any injury from such a course; and certainly it was his interest to oppose a peace, for some of the same reasons that led the West India Company to oppose it,—at least if he still retained any hope of sharing in their profits. But, quite aside from this, all his patriotic prejudices were aroused at the thought of any compromise with the traditional enemies of his country and his religion. Accordingly he prepared a discourse against the truce; which is dated at the Hague, January 16, 1630, and presented copies of it to the States General, the States of Holland, and the States of Zealand. It was published in two editions at Flushing, quite without his intending it, he says.²⁴⁸ In what seems to be the first edition, the printer, Versterre, says that this discourse having been put in his hands by a good friend, and seeming to him, on perusal, to be the best thing that has been written on the subject, he has printed it for the common good. The other edition has instead a prefatory address, "To the Noble and Mighty Lords, my Lords the States of Zealand," dated at Flushing, February 14th. In this he speaks of his recent efforts to obtain recompense for his services, and his ill-success; never-

²⁴⁶ Falkenberg to the king of Sweden, June 18, 1629 (Stockholm MSS.). Arend, *Algemeene Geschiedenis des vaderlands*, iii : 4, pp. 413, 421, 422, 430-435. Wenzelburger, *Geschichte der Niederlande*, ii., pp. 911, 920, 922. Klopp, *Tilly im dreissigjährigen Kriege*, ii., pp. 43-48, 53. The protest of the West India Company in L. van Aitzema, *Saken van staet en oorlogh der vereenichde Nederlanden*, ii., p. 900.

²⁴⁷ *Mercurius Germaniae*, p. 20.

²⁴⁸ *Ibid.* For the two editions of the *Waerschouwing(h)e over den Treves*, whose bibliography has been somewhat misstated, see Bibliographical Appendix, I., Nos. 21 and 22.

theless, affection for his country has led him to write this discourse in confutation of those arguments for the truce which are current among the common people, not presuming to say any thing of any reasons by which the governing bodies may be moved. These phrases seem to imply intention of some sort of publication.

The *Waerschouwinghe over den Treves* is rather to be compared with the political pamphlets of the author's early life, than with those which he had recently published, which had mostly been of a commercial character. When we do make comparison of it with the former, we perhaps see a little less balance and security of judgment, possibly a growing acerbity of temper toward his enemies. Yet his argument seems as forcible as ever, his insight not dimmed nor his natural force abated in spite of his sixty-two years, his directness and pungency of expression quite the same. Thus, he opens by noting who are in favor of the truce, who against it, and roundly declares that those in favor of it are, the king of Spain, the archduchess, the rulers of the southern provinces, the emperor, the papists in the northern Netherlands, the freethinkers, Remonstrants, apostates from the Reformed religion, heretics, and in general the enemies of the state, with, no doubt, some misguided good men.

After this not very conciliatory opening, Usselinx proceeds to declare that the reasons for which these would betray the interests of the Netherlands are: first, the lovely word peace; second, that no unnecessary war is right, and that this has ceased to be necessary; third, that their luck may turn and they be less well-placed for negotiating than now. These Usselinx successively combats. To the argument that they now have more powerful enemies, the emperor and the king of Spain both, he replies that we now have "stronger friends, including now his Royal Majesty of Sweden, my most gracious king and lord, whose valor, piety, manliness, and fidelity need not be mentioned by me," and who, he is well assured, inclines to assist his friends actively, now that the Polish war is over. Fifthly, it is urged that if Spain makes peace in Italy (where Richelieu was now occupying her with the

Mantuan war), she can crush them ; sixthly, that a refusal of peace will alienate the people of the subject provinces ; seventhly, that during the truce all commerce will flourish. Against this last argument, Usselinx protests vigorously, declaring that during war commerce increased, but in the former interval of truce greatly declined. It is plain from the actions of the kings of France and Sweden that in peace the French, Baltic, and Russian trade of the Dutch will be destroyed, and that will destroy the advantage of much of their other trade, for the products gained in the Indies are largely carried eastward. The notion that further extension will only weaken the state, is scouted ; it is best to go on, and cut off Goliath's head, to make sure, and as to the financial difficulty, he points out the increased resources of the country, the diminished wealth of Spain.

The making of a truce, he says in substance, is not just to our oppressed brethren, not honorable or grateful to our allies, not godly, not advantageous. We should go on, and not spare our Carthage, that the labors of the father and brother of our Gideon of Nassau may not be in vain ; and that he and his German Esther may save her people of the Reformed Church. Nor will a truce have any security. Papistry will increase among us, and we shall have "such a mixture of religions as in the Alkaron of Machomet." The various confiscations and spoliations carried out by the emperor in Germany are pointed to as evidences of the uselessness of Papists' promises. Finally, with much good advice as to how the finances may be more equitably and more economically managed, and means thus provided for continuing the war, the author concludes, promising that, if any man will convict him of error, he will join him in shouting : "The truce, the truce, long live the truce !"

No one seems to have undertaken the difficult task of reducing the ardent pamphleteer to such conviction of error. But the authorities of the government proceeded against him with less argumentative methods. It was not that they inclined to peace or truce, for their answer to the proposals of mediation made on behalf of Charles I. by Sir

Henry Vane, with other proceedings of the time, show that they did not.³⁴⁹ But the bold way in which a mere merchant had discoursed of state affairs and criticised the conduct of the government, was likely to be regarded in that day as a ground of offence ; something, too, must be ascribed to the violent way in which Usselinx had spoken his mind against his opponents, and something to the influence of the personal enemies he had made. At all events, on a certain day in June, 1630, a little blue book by Willem Usselinx, entitled *Waerschouwinghe*, etc., is exhibited at the meeting of the States General, and it is resolved that he be asked to come in the next day and give explanations before that august body. Meanwhile Secretary Musch is to examine it, and note the chief points. The next day the record reads, "Willem Wsselinx, being brought in and there being shown him a little blue printed book entitled '*Waerschouwinghe over den Treves met den Coninck van Spaengien*,' acknowledged the contents of that book to be his work, yet explained that he did not cause the aforesaid pamphlet to be printed." Being examined on various points, it is further reported, he gave no satisfaction. He was enjoined not to leave the Hague until further orders, and the Lords of Holland having considered the matter further, it was concluded that Heer Haersolte should take Usselinx and give him a severe reprimand on account of the book, and then dismiss him ; also that the authorities of the provinces should be directed to suppress it, it being full of impertinences and incongruities, and not conformed to the truth.³⁵⁰

After such proceedings and the *mauvais quart d'heure* with Heer Haersolte, Usselinx could hardly expect much more in Holland. He did indeed give in one last memorial in August, in which, believing from his ill success that his services are really not understood by the States, especially the younger members, he relates them at length from the beginning, together with the losses he has sustained, and ex-

³⁴⁹ Gardiner, *Personal Government of Charles I.*, i., pp. 208, 209. Klopp, Tilly, ii., p. 53. Arend, iii : 4, pp. 480, 481.

³⁵⁰ Resolutions of the States General, June 14, 15, 21, 1630 (Albany MSS.).

presses his hope of a reward, with that comparison with Columbus which the reader will remember to have been made before.²⁵¹ The only result was a snub.

The request was referred to a member, and on his report it was resolved that if Usselinx thinks he ought to have compensation for his pretended services, he may apply to the West India Company, their High Mightinesses at the same time declaring that they can well allow him to turn to any direction in which he thinks he can better his condition; which Usselinx thought somewhat impertinent, as he had already an honorable situation in the service of the king of Sweden.²⁵² And so, hearing nothing from Falkenberg, there was nothing for him to do but to leave the Netherlands once more; and he departed, in sadness no doubt, and certainly in anger, but without abatement of sanguineness or energy.

Meanwhile what had befallen the company which Usselinx had left behind him in Sweden? Its history had been about that which might have been predicted when he left it. In June, 1629, the king had laid before the estates, among other points, the question how ships might be provided for the use of the government in the approaching war. In January the burgher-estate had at the king's suggestion established a Ship Company, which should provide sixteen ships for the king's use or for trade. He now proposed a similar course to the two other estates, the nobility and clergy. The nobility responded by proposing that a special tax of fifty dalers on each district furnishing a trooper should be levied for this purpose, and that in addition the money which they had subscribed to the South Company should be applied to this use; and Director Per Andersson advised the same. The clergy likewise, on being called on to vote supplies for in-

²⁵¹ This letter of August 15, 1630, is an important autobiographical source. I do not dwell upon it here, however, for the materials it affords have already been used in the course of this biography. It is printed in German in the *Argonautica Gustaviana*, as appendix G to the *Mercurius Germaniæ*, pp. 40-48. I have a copy of the Dutch original, from the archives of the kingdom of Sweden, (Bibliog., II., No. 43).

²⁵² Resolutions of the States General, Aug. 31, Sept. 6, 1630. *Mercurius Germaniæ*, lit. H., lit. I., pp. 48, 49. Mickley, pp. 19, 20.

creasing the naval force, suggested that their contribution to the South Company should be so employed. The two bodies also advised the entire union of the South Company and the Ship Company. By royal ordinance of May 29th this was effected, and Abraham Kabbeljouw, general director of the Ship Company, was appointed to superintend the transfer. It was significant that the united company bore usually the name of the Ship Company. For the present, in fact, its main business was to provide the king with ships; it was distinctly declared that, for the time being, the efforts of the trading company would have to be postponed.³³³

Journeying eastward overland to seek the king and get the necessary documents which Falkenberg had not sent, Usselinx came again to Emden. He found the city well inclined to his company, declaring that they would enter it if they had to raise the money by taxation. Thence he went to Hamburg. On October 19th he arrived in the city of Stralsund, whither the king soon came, and seems to have at once requested the king for a new commission. Regardless of the decisive change which had come over the company's affairs, he asked for enlarged powers, enabling him to treat with the electors, princes, and estates of Germany, with the high-sounding title of "commissioner and regent of the company and superintendent of commerce, navigation, and traffic in the kingdom of Sweden." Perhaps it was at this same time that he wrote what seems to be his first effort to write in German, a very brief summary of the advantages of the Swedish South Company as a help toward keeping up the conflict against Spain and the emperor.³³⁴

³³³ Svenska Riksrådets Protokoll, i., pp. 54, 155, 156, 158, 162, 166. R. M. Klinckowström, *Arkiv till Upplysning om Svenska Krigens och Krigsinrättningarnes Historia*, i., p. 41. Fredrik Boye, *Riksdags-Historien*, pp. 15, 16. Ordinance creating Skepps-compagnie, in Stiernman, *Samling utaf kongl. bref, etc.*, i., p. 973, Jan. 26, 1629. Fullmacht för Skeps Directoren om det Söderlundske Compagnietz infordrande, May 29, 1630 (Stockholm MSS.), Riks Registr., 1630, fol. 270. Also in Stiernman, i., p. 989.—These dates are of course in old style; see note 233, ad fin.

³³⁴ Draft in Dutch of commission to Usselinx; Bibl., II., No. 44. *Bedencken vber die Schwedische Sayder Compagnia*; Bibl., II., No. 45. Letter of Nov.

But the king was too much occupied with the war itself to have much spare time for things that might incidentally help it. The die had been cast. He had entered on the great war in Germany which brought him his greatest glory and his early death. Landing in the Pomeranian islands at the end of June, he had brought old Duke Bogislav to terms, had occupied Stettin, had seized or conquered all the coast of Hither Pomerania and the approaches to Mecklenburg. Giving up the attempt to press on through Mecklenburg to the Elbe, he returned to Stralsund a little after Usselinx arrived there. He remained there but a few days, proceeded rapidly to Stettin, pushed his troops up the Oder, and before the year was over had gained at Greifenhagen a victory which secured to him all Pomerania and the lower basin of the Oder.²⁵⁵

In all this Usselinx does not appear to have had any share. He did not accompany the king, but remained at Stralsund, whence he wrote to the chancellor at Elbing in Prussia, expressing his hope of making his way thither after canvassing Pomerania, and so to Sweden, to start the company, which he seems not to have thought to be virtually dead, or in suspended animation, as it really was. He told him briefly of his recent experiences. The Dutch had rejected his claim, yet had made him excellent offers if he would go out to the Indies; his Waerschouwinghe had angered them, however. He hoped that the chancellor's interest in the matter had not declined.²⁵⁶ Going on with his ardent, but somewhat near-sighted efforts, he at the end of the year presented to the burgomasters and council of Stralsund a memorial, "to show how Pomerania and especially the city of Stralsund can be restored to their old prosperity, and commerce, navigation, trade, and prosperity be improved in the same."²⁵⁷

12, 1630, to Oxenstjerna; II., No. 46. The first two are undated; but expressions in the third and in the letter of Dec. 19, 1631, lead me to attribute both to about this time.—On Emden, also *Mercurius Germaniae*, p. 31.

²⁵⁵ Droysen, *Gustaf Adolf*, ii., pp. 147–175, 185–192, 198–211.

²⁵⁶ Letter of Nov. 12, 1630; Bibliog., II., No. 46.

²⁵⁷ Korte aenwysinge, etc., Dec. 30, 1630; Bibliog., II., No. 47.

It will be remembered that the city had, two years before, sustained a severe siege from Wallenstein, the failure of which was the first check to his victorious career. Since then, it had been occupied by a Swedish garrison, as affording the king a foothold on the continent. But however securely protected, it could not escape the economic consequences of war. Its grain and wool trade had declined with the necessary neglect of the fields and flocks; the same was true of the other Pomeranian cities. The means of redressing this was to take part in the great Swedish trading company. The king, it appears, had, at the request of Usselinx, sanctioned the inclusion of Pomerania in it, and especially commissioned him to effect this. Pomerania's special advantages consisted largely in its favorable situation, as a distributing point for imports and as a place of export, to the region drained by its rivers and the interior generally. Its oak-forests could be made the foundation of a great ship-building industry; its wool, of important manufactures. The grain trade is hardly likely to revive completely, having become diverted to Poland, Prussia, Russia, and Livonia. The trade with the Indies will compensate for this. The recent experiences which war has brought to the country show how uncertain is the income from landed property, subject as it is to dangers of war and famine and confiscation; it is well not to put too many eggs under one hen, to have two strings to one's bow. Much the same arguments are used as in the case of the towns on the east side of the Baltic nearly three years before. Even the same calculation of resources for investment, on the basis of no more than four thousand houses in Pomerania, is made. The possibility of engaging in a merely European trade, even, is suggested.

Soon Usselinx went on to Stettin, and there, in September, 1631, after a long stay, presented to its council a memorial of similar purpose. Stettin was the chief commercial town of Pomerania, and during the past year the condition of that country had much improved; and Usselinx on both accounts seems more vigorous in the statement of his hopes, especially in the matter of further privileges and exemptions

to be expected from the king. For the rest, the paper is much like that presented at Stralsund, though with more amplification as to the conditions of agriculture and commerce in Pomerania; but that was to be expected, after so long a stay. He gives them a copy of his Stralsund memorial, as well as of his last one to the States General; the latter to show them how he had taught the very professors of commerce, though they had left their master too early, and so had not succeeded as they ought.

In making excuse for the long delays of the company, as he might well feel called on to do, Usselinx expresses in a very strong way his feeling that the war is far less profitable to Sweden than the company would be. He defends the king against what was evidently a current suspicion, that he might in the end confiscate the money subscribed; to do so would be plainly against his interest, for the company will be always bringing him gains, while the war brings him expenses. Assuring the council that the company will be established in any case, even if Pomerania remains out of it, he urges them, for their own interest, to enter into the project heartily.²⁵⁸

It is evident that Usselinx believed, or at any rate hoped, that the commercial phase of the united company would in the end prevail over the naval, and it become once more the South Company for which he had labored. The present state of the war might encourage him in this view. It has not seemed worth while to speak of the events of the war this year, so entirely remote does Usselinx seem to have been from the march of affairs. It gives a striking idea of this, if we remember that it was on the very day of the great battle of Breitenfeld, the decisive point in the career of Gustavus Adolphus and in the Thirty Years' War, that Usselinx was quietly presenting his memorial to the city fathers of Stettin. For nine whole months he had remained in Stettin, not inactive indeed, but active in an unpromising cause. He seems to have got some promises from the aged duke,

²⁵⁸ Naerder aenwysinge, etc., Stettin, Sept. 7, 1631; Bibliog., II., No. 48. Kort verhael vande voorneemste pointen, etc.; Bibl., II., No. 50.

and from Stralsund and Stettin.²²⁹ But it was not simply business which kept him there. He was in great straits for money. His journey and imprisonment had involved him in debt to the extent of four hundred rixdollars (say \$400). Four hundred dalers had long been due him from the government; of the promised thousand dalers a year he had received only 500 dalers, and that in copper; and if he drank only water, he said, he had not enough money to buy him bread for more than three or four weeks more. Accordingly he wrote, almost in despair, to Carl Banér, whom the king had left with Alexander Leslie in charge of Stettin, begging him to intercede for him with the king. If the king desired him to go on with the matter, he ought to have an ampler commission, empowering him to present the matter to the electors of Saxony and Brandenburg, the dukes of Mecklenburg and Pomerania, the landgrave of Hesse, the free cities of the empire and other cities.

For Usselinx had become convinced that the company must be given a broader basis. "If the thing could be carried out in Sweden alone," he writes, "it would be better that it should be done there, to the exclusion of others. But since it appears to me, under correction, that affairs in Sweden are not so situated that a sufficient amount of capital for this matter can be obtained there, and that it cannot be undertaken without a large capital, it were better to have half an egg than an empty shell, and to allow others to enjoy a share of the profits, rather than to let the matter drop entirely or fail for lack of sufficient means." But if the king is indisposed to the whole affair, let him say so, and pay him

²²⁹ *Mercurius Germaniae*, pp. 12, 31. Memorial of Sept. 11, 1636, (Bibl., II., No. 67), in the *Kronijk* of the *Historisch Genootschap te Utrecht*, xxix., p. 138. Dr. G. von Bulow, archivist of the *Königliches Staatsarchiv* in Stettin, after obligingly searching for me his archives, in which, as in the town archives, nothing appears concerning the stay of Usselinx in Stettin, has kindly sent me an extract concerning his efforts from the *Altes Pommerland* of Johann Micraelius, book iv., p. 123, (ed. of 1723). Micraelius was in Usselinx's time rector of a Latin school in Stettin. The extract, however, does not contain information not to be found in the *Argonautica Gustaviana*, Merc. Germ.

something, and let him go.²⁸⁰ A melancholy conclusion indeed, after seven years of faithful labor for a great design.

VIII.—SCHEMES OF INCLUSION.

In all labor there is profit: but the talk of the lips tendeth only to penury.
Prov. xiv : 23.

It may not untruly be said, that the words which have just been quoted from the appeal to Carl Banér give the key-note of the activities of Usselinx during the remaining years of active life. Giving up the attempt to found a great commercial company upon the resources of the kingdom of Sweden alone, he addressed himself to schemes of inclusion. Other states were to be induced to join in it, in order that such a capital might be acquired as he thought necessary. The largeness of the scheme was obvious, and had great attractions for the projector's mind. But it was also obvious that in that age commercial alliances, or combined operations on the part of the commercial classes in various states, were exceedingly difficult to concert and to maintain. They must in general follow political connections. But in these years political alliances shifted too rapidly to give to commercial combinations which were based on them the stability which they would need in order to succeed. The idea of mercantile organizations transcending political boundaries, of international combinations of capital, was a good one, and was one day to prevail universally ; but it could not yet make its way. It had the future with it ; but it did not have the present. And to Usselinx himself the result was to be much fruitless travel, efforts necessarily made vain by ensuing political changes, and increasing disappointment. It may be that he was in advance of his age in this, as in some other things. But to say that a man is in advance of his age is not certainly praise. It is often a condemnation of his judgment, in comparison with that of him who keeps touch with his age and thereby maintains a practical hold upon it.

²⁸⁰ *Memorie voor* . . . Carel Bannier, Stettin, Oct. 3, 1631 ; *Bibliog.*, II., No. 49. Carl Banér, already mentioned as sent to France, p. 103, was appointed legate in Stettin on Dec. 15, 1630. Droysen, *Gustaf Adolf*, ii., p. 203.

It will perhaps be said that this stage in the career of Usselinx began rather with his efforts in Pomerania. But it must be remembered, in the first place, that Pomerania was regarded, at least by the Swedes, as almost as much Swedish territory as Livonia or Esthonia, since the king had conquered it and arranged to have the succession to its childless old duke. And, in the second place, what Usselinx had been doing there had perhaps been done as much in order to keep up some sort of activity during his enforced detention of a year, as with a full belief that the South Company was still likely to be pushed forward. At the end of the year he was still in Stettin, writing to the chancellor to express his hope that this long interval has not lessened the latter's good feeling toward him and the good cause, and his belief that the king's successes make the present an opportune time for taking the matter up again in earnest.²⁸¹

It was true enough that the wonderful successes which had followed the victory at Breitenfeld, the victorious march into Southwestern Germany, the occupation of Würzburg, Frankfort, and Mainz, the possession of the region of the middle Rhine, made possible the revival of great commercial schemes; but the effect was slow to reach Usselinx. To be sure he in some way received the means to get away from Stettin; for in the beginning of April we find him in Mainz.²⁸² But that he had not come on an invitation flattering him with brilliant prospects through renewal of his project, appears from his beginning his brief letter thence to the chancellor with the old question, whether it is desired that he go on. If so, he proposes next to direct his efforts toward the city of Frankfort. A postscript, in which he holds out expectation of having a hundred good ships of war ready for the king's use the next year, shows how far his ideas were in solution, how unfixed his forecast of what his company might become.

²⁸¹ Letter of Dec. 19, 1631; Bibliog., II., No. 51.

²⁸² Letter to Oxenstjerna, Mainz, April 3, 1632; Bibliog., II., No. 52. No trace of Usselinx's stay in Mainz appears in the archives of that city, as I learn through the kindness of Dr. Velke, the archivist.

Still, his turning to Frankfort at all shows that he had become firmly possessed with that idea of inclusion which has been described. Indeed, the Swedish conquests were now taking a form favorable to such a scheme. The more closely the policy of Gustavus approached to designs of permanent occupation of German territory, as they now seemed to be doing, the better the prospect of establishing a company thrown open to foreign, and especially German, subscribers.

Whether he achieved any success at Frankfort it is impossible to say. The records of the city council for April 19, 1632 (O. S.), show that Wilhelm Usselings requested them to assist his efforts in behalf of the South Company. The burgomasters' records for the same day show that Wilhelm Usselings, royal Swedish commissioner of the South Company, having requested such furtherance and the deputation of certain persons to hear him, Herr Hans Jacob Jeckel and Herr Johann Schwind were deputed for that purpose, with permission to associate some merchants with them upon the committee. A month later he applied again; the town council declined to have any thing to do with the company, but gave the merchants of the city permission to engage in it if they chose.²⁶³

When next we hear of Usselinx he is at Würzburg, and it is more than three months later. When he was at Frankfort the Swedes were at the height of their success in South Germany. Nuremberg and Donauwörth had been occupied, Tilly defeated and slain at the passage of the Lech, Augsburg, and soon after Munich, victoriously entered. But by the end of July the state of things was different. Wallenstein had again been raised to the command of the imperial forces. He had formed, over against Nuremberg, a vast intrenched camp, and was closely watching Gustavus and the Swedes encamped within the fortifications drawn around the city. The Swedish army was in much distress. To release

²⁶³ Extracts from the *Raths-Protokoll* and the *Bürgermeisterbuch* on these two occasions (April 19, May 15, 1632), as on another occasion to be mentioned later, I owe to the kindness of Dr. H. Grotefend, archivist of the city of Frankfurt-am-Main.

himself from so uncomfortable a situation, continuance in which might prove fatal, the king had been obliged to recall various outlying detachments to the support of his main army. Leaving a successful campaign on the Rhine, Oxenstjerna had marched rapidly from Mainz to Würzburg, and was now about to join the king and engage in what seemed likely to be a decisive attack upon Wallenstein's strong intrenchment, a critical movement in the war.²⁸⁴

Few more inopportune moments could have been chosen for urging a commercial project. But Usselinx declares that this is after all not an unfavorable time, since with the present uncertainty of incomes and fortunes people will be glad to have this safe investment as a resource. That is, if their lands and other property go, they will have what they have here invested to fall back upon; reasoning more plausible than likely to be practically influential at such a time. So, if he can have half an hour of the king's time and an hour of the chancellor's, can have the charter renewed with the necessary amplifications, and can be given the necessary commission and recommendations, he feels sure that he can make this one of the greatest enterprises ever undertaken in the world. For its sake he has neglected offers amounting to a hundred thousand guilders. Being old, and unable to get along without a servant, and also observing how much more he could have effected if he could have kept up better outward appearances, he renews his request for better recompense,—or else for an honorable dismissal.

The amplifications here alluded to he had apparently drawn up some time before.²⁸⁵ One of the most important of them was the entire removal of the territorial limits of the

²⁸⁴ For these events I follow Droysen, *Gustaf Adolf*, ii.; here especially pp. 521-559, 597-623. It would appear from p. 615 that Oxenstjerna was in or near Würzburg on July 30th. The document next described is a short *Mémoire aengaende de Suyder Compagnie*, of that place and date; *Bibliog.*, II., No. 54. The phrase of the Patent oder öffentlich Auszschreiben wegen dieses Vorhabens, of the *Argonautica*, implies that the *Ampliatio* had been prepared some years before.

²⁸⁵ *Artyckelen die in het Octroy dienen geamplieert*, (Stockholm MSS.), *Bibliog.*, II., No. 53, is Usselinx's draft.

company's operations. Another was the fixing of the time of beginning at the first of April, 1633. Foreign princes or cities subscribing sufficient sums might have "chambers" in cities outside Sweden, the general board of directors being correspondingly enlarged. Ships should for the first four years be free even of the four per cent. toll; after that, one third of the proceeds of it should be granted to these princes and states. If the subscription of such a power reached a certain amount, he or it should be represented by a member in the Council of the Indies. All the sums which had in the charter been expressed in Swedish dalers should now be expressed in rixdollars; the king's own subscription should be raised from four hundred thousand of the former to four hundred thousand of the latter, *i.e.*, should be increased about one-half. Finally, with patriotic care, Usselinx provided a chamber for the Brabant, Fleming, and Walloon exiles in all parts of Europe. Whenever the navigation of the Scheldt should be thrown open and they should regain their freedom, this chamber should be located at Antwerp.

This last provision never went into force. The others were eventually accepted, freedom of toll being restricted, however, to ships going beyond Gibraltar. As already said, it was only this extension which brought within the limits of the patent the soil on which New Sweden was afterward placed.³⁶⁶ But this is anticipating a little. At present this amendment or extension of the charter was not signed. It was drawn up, or at least those parts of it which were approved, and subscribed "Done at Nuremberg, the 16th of October, in the year of Christ 1632." The time and place are worth noticing. At the news of Wallenstein's march into Saxony, Gustavus Adolphus had turned back at Neuburg from the expedition toward the lake of Constance in which he had engaged after the breaking-up of the two

³⁶⁶ Documentary collections, such as the New York Colonial Documents, vol. xii., and Poore's Constitutions, have mostly lost sight of this fact, and given, or referred to, only the charter of 1626. But that charter, by the very terms of its first article, is seen not to include the soil of Delaware, nor to be its fundamental document except as amplified in 1633.

hostile camps at Nuremberg. He sent his army by Nördlingen and Rothenburg northward toward Erfurt; but turning aside himself, rode to Nuremberg with a small force to have a last conference with his faithful chancellor. As if with a presentiment that this might be their last interview, he described to Oxenstjerna the arrangements he wished to have made for the government of his kingdom in case of his death. It was in the midst of such business that the king found time to have the amplifications of the South Company's charter drawn up, ready for his signature; but he left the city without signing them, and rode away to his glorious victory and early death at Lützen three weeks later.²⁶⁷

How little importance the king attached to Usselinx personally, during his last months, may be seen from the fact that we find him suggesting to others a plan having some things in common with his, yet quite without thinking, apparently, of using him in the matter at all. At a time when his operations in the Palatinate seemed likely to bring on not only collision with Spain but a declaration of war against her, Gustavus wrote to the council, to Oxenstjerna, and to his brother-in-law the palgrave John Casimir, suggesting the establishment of a maritime company or "admiralty" at Gothenburg for the special purpose of committing depredations and making reprisals upon Spanish commerce. In this he proposed to make use of the services of Abraham van Velden, a Dutch shipbuilder at Gothenburg; but no mention is made of Usselinx, who seems to have known nothing of the scheme, much as it in some respects resembled his own.²⁶⁸

²⁶⁷ The Ampliatio (of which more hereafter) is given, with the date mentioned as the original date, in *Argonautica Gustaviana*, pp. 18, 19. On Gustavus' movements, Droysen, *Gustaf Adolf*, ii., pp. 634, 653-656. Harte, *History of Gustavus Adolphus*, ii., Appendix, speaks of him as arriving at Nuremberg on Oct. 15th, and leaving on Oct. 17th; but it appears from Droysen, ii., p. 658, that he was there on the 14th.

²⁶⁸ R. M. Klinckowström, *Arkiv till Upplysning om Svenska krigens och krigsinrättningarnes Historia*, i., pp. 623, 625, quoting letters to Oxenstjerna, Angsburg, May 23, 1632, and to John Casimir, Fürth, June 9, 1632.

In the arguments in the royal council upon this proposition, mention is made of injuries inflicted by Spain upon the merchant vessels of the Ship Company. The combined company had, in fact, not wholly neglected the pursuit of commerce, for which the South Company had originally been formed, though nearly all its efforts were given to providing ships for the royal navy. In 1630, apparently, it had at least sent one ship to Archangel. In October, 1631, there were discussions in the council which give us instructive glimpses into its management. Officers of the company appeared before the council, declaring that seven of its ships lay at the quay (near the Söderström in Stockholm) of which they wished to send two to France and two to Spain. But they wished a grant of 20,000 rixdollars with which to buy a cargo. The council rated them soundly for their neglectful management, and declared that they had received subscriptions enough to have fitted out their expedition adequately, if they had attended to the matter properly. The directors threw the blame on delinquent subscribers, and represented the slightness of their resources in comparison with the magnitude of the undertaking. The council thereupon censured them again with great severity, saying that if they talked in this way they would frighten every one from investing. "Thereupon," the record says, "the Directors answered, that they said this *sub rosa*, and only to the council; with others they used quite different arguments."²⁰⁹

In the course of these discussions, one of the directors had strongly dissuaded from sending any ships to Spain, having much apprehension that, in the present state of affairs, the Spanish government would seize them. It appears, however, that four or five vessels were sent thither either then or in the next spring, and the Spanish government did in

Droysen, Gustaf Adolf, ii., p. 460. Droysen dates this last May 9th, which seems to be an error; p. 585 it appears that Gustavus reached Fürth on June 8th. On Dec. 6 and Dec. 7, 1632, the council in Sweden debated at length the matter, which had been proposed to them by a letter from the king, also written June 9th; Riksrådets Protokoll, ii., pp. 243-251. On Van Velden, *id.*, iii., p. 4.

²⁰⁹ Svenska Riksrådets Protokoll, ii., pp. 91, 92, 116-119,

fact seize and detain them. Such was the fate of the company's first considerable commercial adventure. It was alleged that the mischance occurred through the incompetence or treachery of the company's supercargo or through the negligence of Kabbeljouw and the other directors. The latter were prosecuted by the shareholders before the supreme court, and at first condemned; but on new evidence they were afterward acquitted, though they were at the same time ordered to give an account of their administration.²⁷⁰

Some time before the death of Gustavus, in the abundant leisure which the state of his projects unfortunately left him, Usselinx, leaving the actual company to take care of itself, occupied himself by preparing a discourse in the interest of the company as he hoped to make it. He called it "*Mercurius Germaniae*, that is, Special Exposition for Germany," its object being to set forth to the Germans the advantages of his commercial project, and to induce them to engage in it, under the amplified charter which was to admit them to participation with the Swedes. It is worth attention not only as being the last considerable composition printed by Usselinx, but also for the intrinsic merit and interest of its arguments. He first exposes the advantages which, for such matters, Germany has over Sweden, many of them being such as he set forth in his Pomeranian memorials. The good relations of the king and the Germans are specially

²⁷⁰ Riksrådets Protokoll, ii., pp. 154, 178, 245; iii., *passim*. Notitie van 't gene, etc., of Sept. 11, 1696, in the *Kronijk* of the Historisch Genootschap te Utrecht (Bibliog., II., No. 67), xxix., p. 138. Loccenius, *Historiae Suecanæ libri ix.*, p. 556: "Non tamen ex sententia progressum res habuit, navibus Sueticis ea causa instructis atque expeditis in itinere ab Hispano, in Caesaris ac Poloni gratiam, et per administratorum incuriam attentis. Etiamsi vero illud, præter alia onera, gravius non paucis accideret; hoc ipso tamen levius erat, quod in usum publicum ac militiæ ista pecunia postmodo converteretur." In this last he seems to have the order of events wrong. C. T. Odhner, *Sveriges Inre Historia under Drottning Christinas Förmyndare*, translated by Prof. Keen in *Pennsylvania Magazine of History and Biography*, vii., p. 269. Harte, *History of Gustavus Adolphus*, i., p. 80. I have not space to follow up the matter of the suit. It was said that the Lubeckers had given information to Gabriel de Roy, who intercepted the ships; the men were imprisoned in Spain more than six weeks. Protokoll, iii., pp. 94, 98.

dwelt upon. He declares it to be a fallacy, that the trade of one country cannot grow save by the decrease of that of some other country. The advantages enumerated as common to both Germany and Sweden are the same with which we are already familiar,—the increase of population, the lightening of the burden of taxation, and the great extension and improvement of trade. There are other and higher objects which may be subserved,—the relief and prosperity of all Germany, the increase of the honor of God, and the spread of His Word. This alone would suffice, if we were all as zealous Christians as we should be. On bishops and pastors in Sweden this has had much effect, “where also a special prayer has been composed for this, and is read at public worship and hours of prayer.”

It is in the answering of supposed objections that Usselinx is at his best in this discourse. If some one says: Give us peace and there will be trade enough, he replies that there is little prospect of peace, and that, even if peace were perpetual, the enterprise is equally desirable. For though he has not done much business in Germany himself, he is sure, from what he has heard, that it was never any too rich, and that chiefly for lack of foreign trade, bringing in wealth from without. As to its being an unchristian monopoly, it is, on the contrary, open to all, and involves nothing of that usury which is so terribly prevalent in Germany. Some say that the examples of other nations are discouraging. But the English are doing well enough in Virginia, Bermuda, and the East Indies. The French are too distrustful, impatient, and fickle. The Danes mismanaged. The Dutch West India Company has not been wholly unsuccessful, especially in the Guinea trade; here Usselinx finds an opportunity to describe the good advice he had given them when resident in the Netherlands, and again in 1629, together with the perilous services rendered that year. The accusation of long delays gives him still further opportunity for such statement.

Passing over some minor objections and their answers, we may note certain political ones. Some think, he says,

that if the war goes wrong, the king of Sweden will confiscate our investments, as those of enemies, while the emperor will punish us for joining in a Swedish enterprise. As for the king of Sweden, it is answered, his promises and his character are a sufficient guaranty; while the emperor will have no right, desire, or power to suppress the company. No right, because it is a perfectly legal corporation. The king of Sweden goes into it, but as a private person, and the company was formed before he probably had any design of making war in Germany (a somewhat specious argument). Nor can the emperor rightfully attack it on Spain's account, for it has no designs against Spain, herein differing from the Dutch West India Company, which he forbade his subjects to enter. (This does not quite consist with some of Usselinx's recent private arguments, which have been mentioned, as to the utility of his project as a war measure.) Also, such action will be against the emperor's interest, and there is little chance of a victory so complete as to render it possible; equally is it against the king of Sweden's interest. Others hesitate to go into business with princes; but, he says, it is not as if one were going into a partnership of two with a king. There will be many of all kinds, and all will watch all; and the management will be in the hands of merchants.

The difficulty of bringing about a combination so extensive, Usselinx confesses to be great. "I have brought on myself thereby," he says, "trouble and labor enough hitherto, and various lawsuits, and perversity, hatred, envy, and derision, sometimes indeed have become quite tired and disgusted with it; yet I must say, that with good and sensible people it never went so altogether badly." To the objection that he is old, and that if he should die the scheme might fall through, he says: "And if now it should not be pleasing to God the Lord, that His house should be built by me on account of my sins, as he said to David, 1 Chron. xxii., 8, and He should, therefore, even take me out of this world, there certainly would not be lacking to Him in such a case a Solomon who, blessed with more wisdom and higher gifts, should help bring it to a successful beginning. Should it

even please Him through my death entirely to bring this work to naught, the will of the Lord be done, who knows better what is expedient and good for us than we ourselves." Again, he says, and the words are very characteristic: "Age or youth, reckoned by years, is of little consequence; for according to the proverb, you see a calf-skin brought to market as often as an ox-hide. And, as a matter of fact, I can truly say, as Caleb said to Joshua, I am to-day sixty-six years old, and I find myself still as fresh and strong as forty years ago, when I first took in hand the West India Company in the Netherlands." The reader of the *Mercurius Germaniae* can well forgive the author some of his vanity and prolixity, in consideration of courage and vigor so unabated after so many disappointments.²⁷¹

With the *Mercurius Germaniae* written but not yet printed, and the amplifications of the charter drawn up but not yet signed, the death of Gustavus Adolphus must at first have been a very grievous blow to Usselinx. But the chief power in Sweden, as foremost in the regency of the five great officers of state, and the chief influence in the councils of the allies in Germany, fell naturally into the hands of Chancellor Oxenstjerna. And Oxenstjerna was as well disposed as the king had been to projects of great commercial combinations; he had once written to the king on this subject: "Companies, indeed, I formerly held to be useful, and do still deem that those for foreign commerce are of great benefit."²⁷² An opportunity soon occurred of doing something for the company with the representatives of a large part of Germany.

During the first months after the death of the king, affairs were principally conducted, without general authorization, by Oxenstjerna. But in March, 1633, in order that more formal and regular arrangements might be concluded, he summoned at Heilbronn a convention of those German allies of Sweden who were of the four upper circles, or administrative sub-

²⁷¹ The *Mercurius Germaniae* was printed only in the *Argonautica Gustaviana*, the next year (1633); reprinted in Marquardus, *De Jure*, etc. See Bibliography, I., Nos. 26 and 27.

²⁷² Geijer, *History of the Swedes*, tr. Turner, pp. 290, 295.

divisions, of the empire. Here accordingly met, in the house occupied by Oxenstjerna, the old house of the Teutonic Order at Heilbronn, the Protestant princes, and other estates of the circle of Swabia, Franconia, the Upper Rhine, and the Lower Rhine, and with them the ambassadors of France, England, and the Netherlands. The chief deliberations were concerning the conduct of the war; the chief result the concluding of a definite alliance between Sweden and the estates of the four circles, the direction of affairs being given to Oxenstjerna, assisted by a council, half German, half Swedish. A treaty, negotiated by the *Sieur de Feuquières*, a relative of Richelieu's famous *Père Joseph*, was also signed here in April with France, whose influence in the war now began to be exerted more fully.²⁷³

Yet time was found to consider the projected company for the West Indies. At the instance of Oxenstjerna, *Hektor Mithobius*, an ecclesiastic of Württemberg, laid the matter before the assembly, suggesting it as a means of acquiring resources for the war. Usselinx presented to the convention an astonishingly brief memorial, in which he gives eight reasons for supporting the company (especially dwelling on its use toward creating naval strength), together with a summary of the gains the Dutch have made in such ways. On the 10th of April the chancellor signed the amplification of the charter, appending the declaration that though it was left unsigned by the king, he knew that it expressed the latter's desire, and therefore, in virtue of his authority as legate, signed it himself.²⁷⁴

²⁷³ On the Convention at Heilbronn, *Queen Christina's autobiography*, and the *Histoire de ce qui s'est passé après la mort du Grand Gustave*, in *Arckenholtz, Mémoires concernant Christine, reine de Suède*, iii., pp. 37-39, 83-87. *Mémoires du Cardinal de Richelieu*, in *Michaud and Poujoulat*, xxii., pp. 456-458. *Lettres du Cardinal de Richelieu*, ed. *Avenel*, iv., p. 448.

²⁷⁴ Memorial to the council of Frankfort, in August, 1633, *Bibliography*, II., No. 57. *Briefue Declaration*, Paris, Dec. 1, 1634, *Bibliog.*, II., No. 59. Also, the rare tract, *Ampliation oder Erweiterung . . . der vier Ober Cräysen*, spoken of at the end of No. 26 in my *Bibliographical Appendix*, I. I do not think I can be wrong in identifying the *N. Mithonius* of this last, and the *Herr Mitovius* of the Frankfort memorial, with the *Hektor Mithobius* whom Oxenstjerna in 1634 made ecclesiastical superintendent at Halberstadt, and who

The charter in its amplified form, with arrangements for the inclusion of Germany, and with January 1, 1634, fixed as the term for subscriptions, had now received legal sanction. Usselinx at once got the amplifications into print, and with them two other short tracts or circulars. The one was a brief summary of the principal advantages of the enterprise, winding up with the declaration that this work tends to the honor of God and the benefit of the whole German nation. The other was a circular of directions as to the mode of making subscriptions, giving also practical suggestions as to clubbing together for joint subscriptions.²⁷⁵ On May 1st, Oxenstjerna, still at Heilbronn, signed a commission, which seems, like the charter, to have been drawn up for the king's signature, empowering Usselinx, as "commissioner and chief director of the new South Company and navigation," to go about advocating it and collecting subscriptions.²⁷⁶

The printing of three small tracts was not enough to content Usselinx. He urged upon the chancellor the need of printing in one book a collection of his writings upon the subject of the company. It would make, he said, a book of about forty sheets, and four or five thousand copies ought to be distributed, so that it would cost five or six hundred dalers (say \$400) and take about a month's time.²⁷⁷ The

afterward had similar office at Ratzeburg; *Allg. Deutsche Biographie*, s. v. Christina, in Arckenholtz, iii., p. 38. Khevenhiller, *Annales Ferdinandeï*, xii., p. 535. The document presented by Usselinx is the *Memorial oder Auszug*, etc., *Bibliog.*, II., No. 55. The amplification was printed in a separate edition at Heilbronn in April of this year, *Ampliatio oder Erweiterung* (*Bibliog.*, I., No. 23), and reprinted in the *Argonautica Gustaviana* (No. 26), pp. 17-20, and twice (*i. e.*, from both these) in Joh. Marquardus, *De Jure Mercatorum*, etc., pp. 388-391, 552-554 (*Bibliog.*, I., No. 27). It is also to be found in Khevenhiller, xii., pp. 548-551.

²⁷⁵ *Kurtzer Extract der Vornemsten Hauptpuncten*, etc.; *Instruction oder Anleitung*, etc. See *Bibliography*, I., Nos. 24 and 25. Both appear, the latter little changed, the former much, in the *Argonautica*, and in both forms in Marquardus. See *Bibliography*, I., Nos. 26, 27. The *Kurtzer Extract* is to be found reprinted in Khevenhiller, *Annales Ferdinandeï*, xii., pp. 551-553.

²⁷⁶ The commission is to be found in the *Argonautica Gustaviana*, *Mercurius Germaniae*, pp. 49-51.

²⁷⁷ Letter to the chancellor, undated; but as it speaks of seven months yet remaining to get subscriptions in, I place it in May, 1633; *Bibliog.*, II., No. 56.

chancellor seems to have furnished the money; and the result is the *Argonautica Gustaviana*, a book of 127 pages folio, in German, the largest and most important of the publications of Usselinx. It is in fact in large part a composite formed by reprinting several former publications on the South Company. It begins with a quaint title, of portentous length even in that age of long titles, including bodily those three verses at the end of 1 Kings ix., which describe how King Solomon made a navy of ships in Ezion-geber, and how from Ophir they fetched gold, four hundred and twenty talents, and brought it to King Solomon. The book is announced as printed with the license of the crown of Sweden, at Frankfort-on-the-Main, in the month of June, 1633.²⁷⁸

The first item in the contents of the book is a proclamation or patent by Oxenstjerna, dated Frankfort, June 26, 1633, giving notice of the renewal of the charter with amplifications and the reappointment of Usselinx, and charging all to assist in so good a work. The recent circular summary follows. Then, upon the reverse of a leaf, a Latin poem of ten lines has been added, from good-will and to fill out the page (*ne pagina vacaret*), praying for God's blessing upon the enterprise. It is signed "I. B.," and may perhaps have been written by Johan Beyer, afterward secretary to the queen and postmaster-general of the kingdom, who was, as we shall see, one of the writer's friends. After this flow-er-et of verse, are printed the charter with its amplifications, the prospectus of 1624, and the *Ausführlicher Bericht* of 1626 with its appendices. Then ensues, as a second part, the recently written *Mercurius Germaniae*, followed by a reprint of the directions for subscribers, and by various documents of the years 1629 and 1630,—the letter of Gustavus to the States General, Usselinx's memorial to them, their proceedings,—the volume ending with the recent commission as commissioner and chief director.

²⁷⁸ For the title and bibliography of the *Argonautica*, see Appendix, I., No. 26. Dr. Friedrich Kapp, Peter Minnerwit aus Wesel, *Hist. Zeitschrift*, xv., p. 240, says that the *Argonautica* is the earliest German book or pamphlet on emigration.

The contents of the book are already familiar to the reader. It is an autobiographical source of the first value. But, among the few writers who have said any thing of this part of the author's career, its publication has perhaps created a false or exaggerated impression of renewed success of a pronounced sort. It is true that its publication is evidence of renewed interest on the part of Oxenstjerna, but commensurate results do not seem to have been attained even before the great military disaster which destroyed all. The matter was taken up again at a convention, similar to that of Heilbronn, held in Frankfort in August and September.²⁷⁹ In August, too, Usselinx appealed to the municipal council of that city in a very long memorial, of which the most interesting part is a narration of the aggressions committed in various parts of Europe during the last seventy years by the king of Spain, who has looked on from the Escorial at the conflagration he has kindled, "like Nero from the Tarpeian rock while Rome was burning." The object of this is to show that Spain is the cause of all, and that Germany can have no peace until the root of the matter, the Spanish power in the West Indies, is attacked; and the king of Spain, he says, fears this company more than even the Dutch West India Company, knowing that I shall start it upon a sounder basis. It may be interesting to note that he attributes to old councillor Viglius, president of the royal council at Brussels, the saying, "*Nescis quantilla prudentia homines regantur,*" which is so often attributed to Oxenstjerna.²⁸⁰

The request of Usselinx that the city fathers should publish the chancellor's proclamation or patent of June 26th, with their official recommendation, was acceded to by them in September. In October Nuremberg also reissued it with the same words of formal endorsement.²⁸¹ But whether

²⁷⁹ Briefue Declaration, Paris, Dec. 1, 1634; Bibl., II., No. 59. Arckenholtz, *Mémoires de Christine*, iii., p. 104. Richelieu, *Mémoires*, xxii., pp. 459, 460.

²⁸⁰ Memorial to the town-council of Frankfort, Aug., 1633; Bibl., II., No. 57.

²⁸¹ Usselinx made this request on Sept. 12th, and the authorities acceded to it the same day; extracts from the *Raths-Protokolle* and *Bürgermeisterbuch* for

either city did or could do any thing more for the cause under their present burdens, may be doubted. At all events when Usselinx, in November, wrote, in Frankfort, to the chancellor, it was in any thing but a cheerful strain ; the time for getting subscriptions had nearly expired, he despaired of success, and begged for dismissal and a pass.³²²

The first of January went by, and nothing had been done. At the end of March, in order to compose dissensions and provide for concert in the conduct of the war, the Protestant allies of Sweden, of the four upper circles, were gathered together in convention at Frankfort. The meeting lasted all the summer. At some time during these conferences Dr. Jacob Löffler, chancellor of Württemberg and vice-chancellor of Sweden, introduced the subject of the company again. Usselinx talked with the members and presented to their attention various documents, and especially the *Argonautica Gustaviana*. After the very mature deliberation which was characteristic of German diets, they had resolved to take the matter up in good earnest, with some changes in the charter. The next day came the news that the Swedes and their allies, under Duke Bernhard of Saxe-Weimar and Field-Marshal Horn, had sustained a terrible defeat before Nördlingen at the hands of the Cardinal Infante and the king of Hungary.³²³

This defeat was as serious a blow to the allies as that of Breitenfeld had been to the imperialists. Queen Christina tells us that the only two occasions on which the calm

that day, kindly sent me by Dr. H. Grotefend, archivist of Frankfurt-am-Main. I have a copy of the Frankfort reissue, dated Sept. 12th, from the archives at Stockholm, Oxenstj. Samling. A copy of the Nuremberg reissue, dated October 4th, I owe to the kindness of Dr. Mummenhoff, city archivist of Nuremberg.

³²² Letter or request, Frankfort, Nov. 14, 1633 ; Bibl., II., No. 58.

³²³ Arckenholtz, *Mémoires de Christine*, iii., pp. 140-145. *Briefue Declaration* ; Bibl., II., No. 59. *Ampliation oder Erweiterung*. . . von die Dep-utirten. . . der vier Ober Cräysen zu Franckfurth, etc. This rare piece is described at the end of the Bibl., I., No. 26 ; its date is printed as Dec. 12, 1634, but this is altered in an old hand to Sept. 17th or 19th. This would agree better with the facts mentioned as to the battle of Nördlingen, which occurred on August 26th and 27th, O. S. Geijer, tr., p. 301.

Oxenstjerna was unable to sleep at night were after the death of Gustavus and after the battle of Nördlingen.²⁸⁴ Allies fell away. The elector of Saxony made a separate peace. Usselinx perceived that all hope for the company was gone. And as in the political world all were turning to France and Richelieu as the one resource now left, he, too, resolved to repair to Paris and there seek assistance for his scheme, while the Swedish envoys were negotiating the treaty that first brought French troops into the Thirty Years' War.

From the very beginning of his ministry, Richelieu had given great attention to naval and commercial affairs. He had urged, as among the most important means of increasing and maintaining the greatness of France, the fostering of its colonies and its commerce. Moreover, it had been distinctly his plan that this should be done by companies, after the Dutch and English examples, sustained by special privileges and monopolies, with capital acquired by subscription, with some aid from the government and certain exemptions from the payment of customs duties. These companies were to be supported by the naval power of France, and were to have an eye to the interests of religion, as well as of France. Public opinion favored such designs. A number of such companies had been set up under his administration: the *Compagnie de la Nacelle de St. Pierre* in 1625, the *Compagnie du Morbihan*, for America, in 1626, the *Compagnie des Cent-Associés*, for Canada, in 1627, the *Compagnie des Îles d'Amérique* in the same year, companies for Guiana and Senegambia in 1633. This same winter he had under consideration the reissue of the charter of the company for the islands of America. The cardinal was therefore definitely committed to a policy resembling closely in many respects that which Usselinx was about to urge upon him; even the purpose of ruining the transatlantic power of Spain was by no means absent from it.²⁸⁵

²⁸⁴ In Arckenholtz, iii., p. 46.

²⁸⁵ Here I have used two articles by M. Léon Deschamps, *La question coloniale en France au temps de Richelieu et de Mazarin*, in the *Revue de Géo-*

This last is the chief point insisted on in the first paper which Usselinx, in such French as he could command, addressed, soon after his arrival, to king Louis XIII. and the royal council. To undermine the power of the king of Spain was a political object of prime importance, and this the king could easily achieve if he would enter into the Swedish South Company with a sum of five or six millions of livres, a sum not lost, as war contributions were, but to be regarded as an investment, sure to yield a great profit.²⁸⁶

It appears that in November, not long after his arrival in Paris, Usselinx had strong hopes of succeeding in this effort to secure the assistance of the great power of the French monarchy. But his memorial, given in at the beginning of December, did not produce the desired effect. Thirty years later, it is interesting to note, Colbert, a diligent student of the papers of Richelieu, revived a scheme much like this, inviting the princes of Germany and the North to engage in the East and West India companies just established in France. But Richelieu seems to have thought France strong enough to conduct her own colonial enterprises, rather than engage in a company which would be under Swedish direction. Usselinx, in a second memorial, combated this view, urging that, if France put in most money, she would control the organization. Many other reasons were urged for co-operation on a large scale (the first expedition he thought should be of a hundred ships!), among them this, sound though expressed in the terms of antique medical science, that "the French, being of a prompt and active nature, partaking of fire and air, . . . it would be well to mix them with those who are a little phlegmatic and melancholic, par-

graphie for November and December, 1885, pp. 363-375, 440-452; the beginning of one by H. Pigeonneau, *La politique coloniale de Colbert*, in the *Annales de l'École Libre des Sciences Politiques*, i., 4, pp. 487-492; Martin, *Histoire de France*, xi., pp. 318-320, 427, 428.

²⁸⁶ Briefue Declaration de la principale Cause qui m'a esmeu de venir en France, Paris, Dec. 1, 1634 (N.S. probably); Bibliog., I., No. 59. I am indebted for a copy of this from the Archives des Affaires Étrangères in Paris to the kind offices of our Secretary of Legation, Mr. Henry Vignaud; there is also a copy of it among my transcripts from Stockholm.

taking of earth and water, to make a more tempered mixture." ²⁸⁷ But in spite of all reasonings, the scheme was not adopted, the company for the isles of America was rechartered, and Usselinx, baffled in both Germany and France in his grand projects of inclusion, betook himself to the Netherlands.

It seems to have been still necessary for him to have *sureté de corps* in order to enter Holland; this can hardly have been because of his old debts, but was perhaps rather because of some contracted in 1629 and 1630. Such *sureté* was given him by the States of Holland, on request of the Dutch ambassador in Paris. ²⁸⁸ Perhaps he re-entered his country in the train of Oxenstjerna, who in April, 1635, proceeded to Compiègne and Paris to negotiate a treaty with Richelieu, and went thence in May to the Netherlands. ²⁸⁹ At all events it is pleasant to know that at Amsterdam he gave the poor man two hundred rixdollars, though by September, when he next wrote to the chancellor, this time from Hamburg, they were all gone (for clothes and travelling expenses). Meanwhile he had been trying to do something for the company at Emden, with the Count of East Friesland, and at Bremen. Here at Hamburg, where he was with Johan Beyer, though individuals did something, the council were loth to lose the Spanish trade or to offend the emperor, who, it was rumored, was again preparing, as in 1628, to erect a rival company of great extent. Since the peace made by the elector of Saxony and the reverses of Sweden, all were deterred from such plans as those of Usselinx by fear of the emperor. Seeing no chance of reviving the German project, Usselinx, whose fertility in schemes was boundless, suggests a union with the Dutch West India Company. ²⁹⁰

²⁸⁷ Letter of Arent de Groote to Usselinx, London, Dec. 11, 1634, (Stockholm MSS.). Deschamps, *ubi sup.*, p. 370. Briefue Deduction par Laquelle est monstre, etc., Paris, Feb. 13, 1635; Bibl., II., No. 60.

²⁸⁸ Extract uit het Appointementboek der Staten van Holland en West Vriesland, March 26, 1635, N. S. (Albany MSS.).

²⁸⁹ Arckenholtz, iii., pp. 89, 147. Lettres, etc., du Cardinal de Richelieu, ed. Avenel, iv., pp. 694, 735, 750.

²⁹⁰ Letter of Hamburg, Sept. 4, 1635; Bibl., II., No. 61. As the Amplia-

The chancellor was at this time in Magdeburg, probably in the midst of the mutiny there, and had no time to heed this suggestion then. But Usselinx, going on unweariedly to meet him at Stralsund, again addressed him upon the matter, suggesting, with a serene disregard of the condition in which Swedish affairs actually lay, the means for starting the company at once. He proposes soon to visit Lubeck and Danzig. Meanwhile he renews his suggestion of combination with the Dutch in a slightly different form, namely, the erection in the Netherlands of a South Company, additional to those now existing, and its combination with that of Sweden. He expresses his willingness to be employed in this matter, and to counteract the tendencies toward a truce now shown at the Hague, as he did in 1607 and 1629.²⁹¹

It appears that the chancellor himself, while at the Hague in 1635, had made some suggestions as to combined commercial operations on the part of Sweden and the Netherlands.²⁹² He was therefore not ill-disposed toward this last scheme of Usselinx, and gave him the necessary permission. The journey of Usselinx to the Hague was marked by the usual interviewing of town-councils. The magistrates of Lubeck declared they could do nothing, for the burdens of the war. At Hamburg, where he had to wait several weeks for letters from Camerarius, there was the same feeling. Emden was as well disposed as ever. Coming into the provinces of Groningen, Friesland, and Overijssel at a time

tion oder Erweiterung . . . der vier Ober Cräysen (see note 283, and Bibl., I., No. 26, *ad fin.*) was printed, contrary to what we should expect, at Hamburg in 1635, I conjecture that Usselinx got it printed at this time.

²⁹¹ Geijer, tr. Turner, p. 306. Memorial van 't gene noodich is, etc., Stralsund, Nov. 9, 1635; Bibl., II., No. 62. Oxenstjerna was in Stralsund at the end of the year; Moser, *Patriotisches Archiv*, vi., p. 204.

²⁹² Van Rees, *Geschiedenis der Staathuishoudkunde in Nederland*, ii., p. 138, note, quotes a statement of Usselinx to this effect, from a letter accompanying, in the Royal Archives at the Hague, the *Korte Aenwysinge* of April 21, 1636. The letter which is sent me from those archives as having accompanied that memorial is not a letter from Usselinx, but a letter to him from "a minister of the crown of Sweden at Stockholm," dated Dec. 31, 1636, (O. S.). There is obviously some mistake here, which I have not the means of rectifying before the printing of this monograph.

when the States of those provinces were about to assemble, he presented the matter to them; and they charged their deputies to the States General to further the scheme, so far as could be done without prejudice to the West India Company. This was indeed the difficult point, and that which made success unlikely. However, a persuasive memorial was prepared, and given to the States General, dated April 21, 1636.²⁹³

The design of this company was rather for opposing Spain than for peaceful commerce; for Usselinx, throughout his long career and in his many prolix memorials, inclines now chiefly to the one purpose, now to the other. The familiar dangers from Spain do not stand alone, however. He has it on good authority that the emperor is planning great companies of a similar sort. The envoy recently sent out by the duke of Holstein to Persia had told him that in their Persian Company they were going to have no Dutchmen; the scheme was in fact directed against Dutch commerce, and many other such were likely to follow. Against such dangers it were better to combine with Sweden than for both to suffer from mutual competition. And since the resources of the state and of the East and West India Companies were already more than sufficiently occupied, it were better to start a new South Company for this special purpose. This need not in any way interfere with the operations of the West India Company, but rather will coöperate in a common object; nor can that company, now that more than half the time of its charter is gone, justly prevent others from trading to places which it has not approached.²⁹⁴

Such were the outlines of Usselinx's great scheme, the

²⁹³ Usselinx to the chancellor, then in Stralsund, April 30, 1636; (Bibliography, II., No. 64), with postscript dated May 9th. J. Tjassens, in his *Zeepolitie der vereenichde Nederlanden*, p. 78, mentions this visit and its object. Tjassens was burgomaster of Groningen at a little later time. Both in the letter and in the postscript Usselinx asks for money; he has even had to do without a servant. It appears that the chancellor had given him 300 rixdollars in December.

²⁹⁴ *Korte aenwysinge vande Nutticheden*, etc., April 21, 1636; Bibl., II., No. 63. On the duke of Holstein's Persian Company, Geijer, p. 295.

last of his great schemes which received any considerable amount of public attention. In his vigorous pushing of the scheme he had more aid than usual from others. Camerarius, the ambassador, spoke to Prince Frederick Henry of the matter. Count Flodorp assisted, and so did the Dutchman, Peter Spiring, who had just come as Swedish envoy to get Dutch help in the German war.²⁹⁵ Usselinx himself had an interview with the prince. But the scheme had certain obvious defects. To Usselinx it seemed most likely that the opposition to it would come mostly from the desire of truce or peace with Spain, of which the unfortunate campaign of 1635 had, in spite of the recent close alliance with France, occasioned some danger during the last few months.²⁹⁶ But the main difficulty was in reality another one. The States General, the States of Holland, and the Nineteen of the West India Company went through the usual amount of slow deliberation and reference one to another, back and forth; but, though at one time they seemed favorable, the central point could not be missed by the representatives of communities of shrewd and experienced merchants, namely, that when the Swedish South Company had a real existence, it would be time to talk of combining with it, but not before.²⁹⁷

²⁹⁵ Letters to Oxenstjerna, of Apr. 30th, June 10th, and Aug. 1st and 29th, and Sept. 12th; Bibliography, II., Nos. 64, 65, 66. "Adrianus Balthasarus de Flodorp," mentioned as an agent of the States General in a letter of Gustavus Adolphus to them in Moser, *Patriotisches Archiv*, vi., p. 5, seems to be the person meant. The Flodorffs or Flodorps were counts in Limburg; Kneschke, *Deutsche Adels-Lexikon*, iii., p. 283. Peter Spiring, prominent in the history of the first settlement of Delaware, was a Dutchman who (or his brother) had made himself rich in the Swedish service by a post connected with the toll at Danzig, so odious to the Netherlanders. He came over twice this year. Arend, *Algemeene Geschiedenis des Vaderlands*, iii: 4, pp. 865, 866; iii: 5, p. 142.

²⁹⁶ Wenzelburger, *Geschichte der Niederlande*, ii., pp. 927-937.

²⁹⁷ The letters mentioned in note 295. Resolutions of the States General, Apr. 24, July 26, Aug. 11, 1636, (Albany MSS.). Resolutions of the States of Holland and W. Fr., June 6, July 28, July 31, 1636, in the transcripts from Leiden mentioned in earlier foot-notes. A copy of the first of these three Holland resolutions (in which Usselinx is styled *Sieur Willem Usselinx*) is among the Albany transcripts; the last two I also have from the Hague. Asher, *Dutch Books and Pamphlets*, p. 55, mentions all three, though he gives the

The reply of Usselinx on this point is an interesting one, on two grounds. In the first place, it shows us something about the state of the company, or rather of its subscription books; and in the second place, it gives us a glimpse at one or two of his defects, beside telling us some facts of his history, mostly already utilized in this account. The crown of Sweden, he says, to begin with his figures, comes in with 400,000 rixdollars, that is to say, a million guilders or florins. The bishops and pastors and various private persons contribute about the same. The nobles and towns have promised thirty-six ships, of which eighteen are already built; these, at 25,000 guilders each, are equal to 900,000 guilders. The riksdag has voted that each farmer should for four years contribute a Swedish ton of grain each year, which, assuming 150,000 of them, will make 600,000 tons Swedish. This, at forty guilders a last, will make a million guilders and a half; for the Swedish ton of grain, now one twenty-first of a Dutch last, he reckons at one sixteenth. Livonia, Prussia, Pomerania, and Emden have declared a desire to enter, if they can each have a chamber of direction. Suppose each subscribes only enough for this, 150,000 rixdollars apiece, that is another million and a half. The chancellor and others have subscribed 110,000 rixdollars, equal to 275,000 florins. The grand total is therefore 6,175,000 florins, (about \$2,500,000). This calculation, he says, had been made for the Swedish chancellor.²⁰⁸

date of the second wrongly. But in his brief summary of the first he writes: "Proposals of the crown of Sweden made by the resident Swedish minister William Usselinx," etc.; Usselinx was never Swedish minister at the Hague, nor does the resolution say any thing of the sort.

²⁰⁸ Notitie van 't geene, etc., Sept. 11, 1636, printed in the *Kronijk of the Historisch Genootschap te Utrecht*, xxix., pp. 135-140; see *Bibliog.*, II., No. 67. At the end is printed an extract from a letter of Johan Beyer, dated Stockholm, Aug. 1st, which Usselinx gave in with his memorial. In this he says that it would be well, while the chancellor is here, which may be for two months more, to send Usselinx to Holland to further their commercial designs. I take it that this document is the source of the statement in Aitzema, *Saken van Staet en Oorlogh*, ii., p. 381, that Usselinx came to the Netherlands in September, 1636, on this errand; whereas, in fact, he had already been there several months. As to Beyer's phrase, the only explanation I can see is that

The document is more instructive than Usselinx thought. To begin with, the subscription of the crown had not been paid in, and there was little prospect that it would be. The next item is certainly greatly exaggerated. The clerical subscription is not known to have reached above a hundred thousand Swedish dalers, and seems to have been pretty well used up before this, though recommenced this July.¹⁰⁰ The forced contribution of grain had not been levied. The Livonian, Prussian, and Pomeranian subscriptions were from six to nine years old. The same was true of those of the chancellor and other nobles. Moreover, the very figures of this last item lay it open to our suspicion. In the already mentioned list of subscriptions of particular persons, of the year 1627, among the Oxenstjerna papers, the sums foot up to just 110,200 dalers. It seems more than possible that the 110,000 rixdollars (half as much again), in the present list, originate, by error, from that amount.

This was not the sort of bait with which to catch the Lords States General. Nor did it much strengthen the memorialist's cause to urge that as he was "sent by the crown of Sweden to make a combination, it follows that the said crown must be in possession of means wherewith it desires to effect such combination;" nor to allege that, as to the subscriptions of private persons, while he had not the books at hand to give the exact sum, the amplification and his commission were evidence that it must have attained a large amount. The enterprise was great on paper only, and if Usselinx did not or would not see it, the Lords States did.

It seemed to Usselinx that the six lesser provinces favored his plan, that only the Spanish faction opposed him, that he was always on the point of achieving his end, though sometimes he felt a little uneasy as to proper moral (and pecuniary) support from Sweden. But it was in vain that he was urgent for action on his proposals. All the delays of which

he was not aware of this, though I should think he might have known it from the chancellor. To suppose the date of Beyer's letter to be 1635 is impossible, for Oxenstjerna was not then in Stockholm.

¹⁰⁰ F. Boye, *Riksdags Historien*, p. 40.

the Dutch governmental system was capable intervened. The matter was referred again and again to committees, to the Nineteen, to the chambers of the West India Company, to the deputies of the States to its meetings. A year was consumed in this way, and though, a little before, they had recommended his zeal, good meaning, and intentions to the West India Company, and had suggested that they give this new company a chance, in the end the opposition of the company prevailed. The proposals were virtually rejected in October, 1637.³⁰⁰

This was practically the end of any thoroughly useful activity on the part of Usselinx. From this time on his schemes grow constantly more vague, his expectations from them less vivid, his success in interesting others in them less considerable. He labored still, in truth his labors were kept up until the end of his life, but his efforts seem comparatively aimless, except that the effort to obtain from those he had served something for his support was of necessity maintained. Rejected by the Dutch authorities, and forced to remain in Holland during the winter by lack of any money with which to travel to Sweden or elsewhere, he busied himself as he could. Now he writes to the chancellor that in England they are trying to erect a West India Company under the charge of the Earl of Warwick, and the widowed Queen of Bohemia (Elizabeth, daughter of James I.), then residing at the Hague, has wished them to consult him about it. Now he knows of a Dutchman, the most experienced in East India affairs, who has left in disgust the service of the Dutch East

³⁰⁰ Letter to Oxenstjerna, Oct. 4, 1636; Bibliog., II., No. 68. Memorial to the States General, Oct. 8, 1636; Bibliog., II., No. 69. Memorial to a committee of the same, March 28, 1637, (Bibl., II., No. 70), printed in Van Rees, *Geschiedenis der Staathuishoudkunde*, ii., pp. 460, 461. Resolutions of the States General, Sept. 18, Oct. 8, Nov. 8, Dec. 27, 1636, Jan. 14, Feb. 17, March 5, 20, 28, 30, April 28, Aug. 10, 22, Sept. 8, Oct. 29, 1637 (Albany MSS.). Resolution of the States of Holland and W. Fr., Sept. 22, 1637, (Leiden copies); mentioned also by Asher, p. 55. Letter of Samuel Blommaert to Oxenstjerna, Amsterdam, June 6, 1637; copy among the Mickley MSS. in the library of the Historical Society of Pennsylvania at Philadelphia. A copy of the States General's resolution of Oct. 29, 1637, is appended to the letter of Nov. 4th, (Bibl., II., No. 71).

India Company, and whom he hopes to secure for that of Sweden. Now it is that he has applied to the States again, but they declare that they cannot understand his plans; now that a Frenchman is here, treating with the West India Company, but can perhaps be secured for us. He has not told Minister Spiring of this, feeling sure he is against him. He even sends the chancellor news; and of course he asks for money, of which it appears that four hundred rixdollars were sent him. Finally, in the spring of 1638, he brings forward a grand project of a general commercial company, in which all the governments in Europe that are opposed to Spain and the empire, are to engage, or at least permit their subjects to engage,—a wild project, in his exposition of which, however, we see two tendencies which bore fruit with him the next year, a tendency to look to England, and a tendency to expect something of the coming meeting at Hamburg.³⁰²

It is interesting to note the opinion of another Dutch merchant upon Usselinx, expressed at this time. Samuel Blommaert, a prominent merchant, who had been a director in the Amsterdam chamber of the Dutch West India Company,³⁰³ writing to Oxenstjerna, this January, says: "I also write to His Grace [the vice-admiral of Sweden, Clas Fleming] in regard to the proposition of Willem Usselinx to their High Mightinesses. If the honorable government desire to have that work seconded, it must be conducted in a different manner, and carried out by Heer Spierinck and other ministers of the crown of Sweden, for the other man has not estimation or credit enough to carry out so great a work. Your Excellency will be able to understand my meaning well enough."³⁰⁴

³⁰² Letters to Oxenstjerna, of Nov. 4, 1637, Jan. 8 and Apr. 2, 1638; *Bibliog.*, II., Nos. 71, 72, 73. *Bedenckingen ouer d'oprechten van een Generale handels Compagnie*, and *Considerations sur l'Erection*, etc., May 1, 1638; *Bibl.*, II., Nos. 74, 75. In No. 81 of *Bibl.*, II., a letter of Dec. 14, 1637, to the States of Holland is mentioned; this does not seem to be extant.

³⁰³ Unnumbered page at the beginning of J. de Laet's *Jaerlijck Verhael*. See also *Pa. Mag. Hist.*, vi., p. 460.

³⁰⁴ Letter of Blommaert to Oxenstjerna, Jan. 6, 1638; a copy among the Mickleby MSS. in the library of the Historical Society of Pennsylvania.

The judgment was a severe one, but it can hardly be said to be unjust. The obstinate pursuit of one fixed idea had done its work, and Usselinx had lost his grasp upon men of affairs. But the opinion is of additional interest as coming from one who was prominently concerned in those transactions which constituted the chief practical outcome of the work done in establishing the South Company. The designs of its founder became constantly more grandiose and impractical. But meanwhile something, on a small scale but practical, began to be done with the substantial nucleus from which all these glowing nebulae had been thrown off; and that something constituted, after all, the principal permanent result of the South Company.

In September, 1635, an ordinance of the Swedish government provided that, whereas the resources of the Ship Company had been much crippled by the confiscation of four of their ships by the Spaniards, three years before, they might sell one or two, to fit out the rest. The next July, the clergy were again "permitted to invest in the Sea Company." Usselinx declared that, for revenge on Spain, subscriptions were increasing. A friend wrote him that winter from Stockholm that there was much talk of some combined maritime enterprise of Sweden, the United Provinces, and England.³⁰⁴

At any rate all betokened a greater activity in commercial undertakings, for which perhaps Johan Banér's great victory at Wittstock in September, 1636, restoring for a time the tide of Swedish success in Germany, had given them courage. Peter Spiring and Samuel Blommaert, who had in 1636 become respectively Swedish resident at the Hague and Swedish commissary at Amsterdam, engaged the coöperation of Peter Minuit. The enterprise, after all, took the form of a Swedish-Dutch combination, but a very small one, and of a very practical and non-political type. The whole capital was

³⁰⁴ A. A. von Stiernman, *Samling utaf kongl. bref, etc.*, II., p. 36. Fredrik Boye, *Riksdags Historien*, p. 40. *Notitie van 't gene, etc.*, of Sept. 11, 1636, (*Bibl.*, II., No. 67). *Extract eens schrijvens van een Minister der Cron Sweden tot Stockholm van den 31 Dec^r ouden stijl aen Willem Wsselinx, ontfangen den 9 Febr^r 1637, in den Hage; from the Archives at the Hague, where it accompanies the Notitie.*

only 24,000 florins. One-half of this was subscribed by Blommaert and Minuit and others in Holland. The other was subscribed in Sweden by the three Oxenstjernas,—Axel the chancellor, his brother Gabriel Gustafsson the steward, and Gabriel Bengtsson the treasurer,—vice-admiral Clas Fleming, and Spiring. Two little ships belonging to the united South and Ship Company, the now celebrated Kalmar Nyckel and Gripen, were chartered, and in the autumn of 1637 set out for the American coast. It was a very small affair, altogether unworthy the approbation of one who was planning vast international commercial organizations; but when the Kalmar Nyckel got back to the Netherlands (without Minuit) in the autumn of 1638, it had laid the germ of one of the United States.³⁰⁵

It is interesting to observe the attitude of Usselinx toward this enterprise. Vice-Admiral Fleming,³⁰⁶ who seems to have had a high opinion of him, wished him to come over to Sweden and give his advice concerning it. But he replies to the queen's secretary, Beyer, that he can be of little use in it, as he never had any thing to do with voyages in that direction, and also has no very good opinion of it. He thinks that individuals may get some profit from it, but that it will be of very little advantage to the kingdom or the crown, for the Dutch West India Company have already tried it, having settled many thousands in those regions. To be sure,

³⁰⁵ Here I follow Professor C. T. Odhner's article on the Founding of New Sweden, translated by Prof. G. B. Keen for the *Pennsylvania Magazine of History and Biography*, iii., first part, pp. 269-284. The fact of Minuit's death on the voyage, the certainty and the details of which Professor Odhner has discovered in the letters of Blommaert, is also pointed to in the letter of Usselinx to Jan Beyer, of March 16, 1639, in the same manner as in Fleming's letter mentioned by Odhner:—"Wat belangt Imant te weten bequaem om de reyse te doen in plaetse van Minuit, kan my niet bedencken dat daer toe Imant wete die soude doruen recommanderen."

³⁰⁶ Fleming had principal charge of the department of marine. The college or board of admiralty consisted, according to the arrangements adopted in 1634, of the high admiral, two councillors of state, and four vice-admirals or experienced captains. Geijer, *History of the Swedes*, trans., p. 292. Count Carl Carlsson Gyllenhjelm was nominally high-admiral, but Fleming was really head of the office; Odhner, in *Pa. Mag.*, iii., p. 277.

certain of their directors have taken the opportunity of the company's expenditure of money there to enrich themselves. But, aside from this, he says, "there is, in my opinion, little to be obtained thence but furs, skins, and tobacco, which gave good profit when it was worth as many gulden as it now is of Lubeck shillings, beside that the filthiness of it is, to honorable people, a great detraction, seeing how injurious it is to the health." Moreover, he was detained on the continent by business which seemed to him of far greater consequence than this.³⁰⁷

For this letter was written, not from the Hague, but from Hamburg, whither Usselinx seems to have repaired in the preceding autumn.³⁰⁸ His object was to be in attendance upon a conference of the ambassadors of the allies at Hamburg. Sir Thomas Roe, the famous English diplomatist, went thither on behalf of Charles I., to urge the interests of his nephew, the young Elector Palatine. The Count d' Avaux came as representative of Louis XIII. Dr. Johan Adler Salvius represented Sweden; and the last two had in the spring of 1638 signed a three years' close alliance between France and Sweden.³⁰⁹

Such a conference as this seemed to give an especially good opportunity to further in some way his design of a commercial combination of all the allies, and Usselinx ac-

³⁰⁷ Letter to Jan Beyer, March 16, 1639; Bibliog., II., No. 76. A previous letter of March 9th is mentioned in this. The "schilling Lübs" was, I believe, about equivalent to an eightieth of a Dutch gulden.

³⁰⁸ In the letter of April 9, 1641, he says he has now been in Hamburg two years and a half. There was a large number of Netherlanders in Hamburg, and especially of Protestant refugees from the southern provinces, who seem to have come in largest numbers in 1605. This I learn from a summary of an article by Dr. W. Sillem, in the *Zeitschrift des Vereins für Hamburgische Geschichte*, Neue Folge, Bd. iv., Heft 4. The article itself I have not seen; but I learn from Dr. Sillem that no trace of Usselinx is to be found in any of the records or papers of the Walloon or Dutch Reformed Church at Hamburg, nor in those of the *Niederländische Armen-Casse*; nor elsewhere in Hamburg, according to the presiding officer of the Verein, Dr. F. Voigt. With the arrival in Hamburg the dates begin again to be presumably in old style.

³⁰⁹ Gardiner, *The Fall of the Monarchy of Charles I.*, i., pp. 180, 181, 259. E. Charvériat, *Histoire de la Guerre de Trente Ans*, ii., pp. 405, 406.

cordingly went thither for that purpose. His friends wished him to desist from all these labors and journeyings, but he feared the anger of God if he gave up this great work. He seems to have received from these kind friends something for his support. Arrived at Hamburg, he obtained some encouragement from Avaux and Roe. For their perusal he made a draft of a charter for the great international organization which he proposed. It was a document of great fulness of detail, extending to 103 articles. But its elaborate provisions are of little consequence, for they were never carried out, and were not likely to be. Except for such features as its international character made necessary, its plan resembles in the main that of the South Company; it is perhaps worth noting that its head-quarters were to be in Emden, as being a city neutral, well fortified, and central to the powers whose coöperation was hoped for.³¹⁰

By the summer of 1639 Usselinx felt less encouraged as to the French and English ambassadors. Each of them suggested his repairing to their respective countries, and starting the company there solely, and the secretary of the king of Denmark, happening to be in Hamburg, made the same suggestion; but none of them seemed much disposed to union in the matter. Joining with a Papistical power seemed, after all, a dubious proceeding, and in the end the projector concluded that the affair must be carried out, if at all, by Sweden and the Netherlands, with no other assistance than that of Emden and some of the Baltic towns. An opportunity soon occurred of renewing his efforts with the Dutch authorities.³¹¹

Trouble having arisen between the archbishop of Bremen (son of Christian IV.) and the citizens of that town, the States General were requested to mediate. They sent for this purpose, in August, Willem Boreel, pensionary of Amsterdam. The same summer they sent an embassy to remonstrate with the king of Denmark about certain griev-

³¹⁰ *Octroy et Privileges de la Compagnie du Sud*, March 21, 1639; Bibliography, II., No. 77.

³¹¹ Letter to Oxenstjerna, Hamburg, Aug. 24, 1639; Bibliog., II., No. 78.

ances. After long delays at Copenhagen, these at length had audience of Christian at Glückstadt.³¹³ The opportunity to see Boreel was especially welcome to Usselinx, because the former's city of Amsterdam had been foremost in opposition, in the States of Holland, to his grand design. Accordingly he went down the Elbe to Stade in August to see him; and again in October he went down to see the other ambassadors at Glückstadt, whither, indeed, Sir Thomas Roe had invited him to go with him, in order to see the king of Denmark.³¹⁴

From Boreel he obtained some assurances of future assistance to his plans. But he could not discover that a letter which he had written to the States General in April had ever been read before them. He feared that some of his enemies had suppressed it; more likely it was thought too long and too unpractical. The other envoys seem to have given similar vague promises of furtherance. One of them explained to him that the unfavorable vote of the States had been largely due to their not knowing where he proposed to begin the operations of his new company. The old man explained that it was inexpedient to divulge this, but that the West India Company would not be in any way injured. Being asked what his conditions were, he answered that he wanted nothing for himself, but wanted to see certain things fixed in the charter. They were in the main those provisions for which he had contended, nearly twenty years before, in the matter of the West India Company. Still, he says, they are not articles of faith, and can be modified. And so he hoped to have favorably influenced the envoys.³¹⁵

The most striking and glorious event in Dutch history in these years was the great victory which Maarten Harperts-

³¹³ Arend, *Algemeene Geschiedenis des Vaderlands*, iii: 5, pp. 165-167, 213-219. A. J. van der Aa, *Biographisch Woordenboek*, s. v. Boreel.

³¹⁴ Sir Thomas Roe, in 1639, negotiated at Glückstadt a treaty between England and Denmark. Macpherson, *Annals of Commerce*, ii., p. 405.

³¹⁵ Letter to Oxenstjerna, Aug. 24, 1639. Letter to the States General (Hague MSS.), Oct. 25, 1639. *Bibliog.* II., Nos. 78 and 79.

zoon Tromp won over the Spanish fleet off the Dunes in October, 1639. As at the news of the capture of the silver-fleet in 1628, so now again Usselinx hastened to congratulate the States upon this great success, and urged anew his project of a united South Company. His letter is, as often, a little prolix, but its arguments are well made and interestingly expressed, with a frankness which he declares to be suited to one who is now too old to fear any thing but God and himself. They seem to have produced an impression upon the States General. For, the provinces requesting copies of it, copies were given to them and to the deputies of the States with the Nineteen, with the suggestion that they consider whether by this plan the great expenses of the war and the West India Company may not be lightened and injury done to Spain. But the States of Holland, as usual, slighted the matter. Their records say that "a prolix letter by Willem Usselinghs in Hamburg" was read; and forthwith, as usual, with the regularity of clock-work, it was referred to the West India Company, that is, to the body least likely to be favorable to it."¹⁵

More than this, he seems even to have been taken to task for one passage of his letter. He had spoken of having two books ready to print, the one relating his labors and troubles in establishing the West India Company, the other those for the united South Company, but of withholding them lest they should give offence, and seriously damage certain persons in the eyes of the people. Complaint seems to have been made of this, as sounding like a threat. So Usselinx wrote again, to exculpate himself from any such charge. Apparently he was now in great straits for money. For in his last letter to the chancellor of Sweden he had begged to be given some portion of what the king had promised in order to pay the debt of four hundred rixdollars incurred

¹⁵ Arend, *Algemeene Geschiedenis*, iii: 5, pp. 200, 201. Letter to the States General, Hamburg, Oct. 25, 1639. The fight was on the 21st, but this was in new style, the date of the letter in old. Resolutions of the States General, Nov. 16, 1639 (Albany MSS.). Resolutions of the States of Holland and W. Fr., Dec. 3, 1639. Asher, p. 56, has both this date and that of the letter slightly wrong, as is somewhat often the case with him.

during these last four years and provide somewhat for the future. And now, mixed with his explanations about the two books and his apologies for any uncourtliness of phrase on the part of one who had studied uprightness more than fine language or flourishes of the pen, he gives strong hints of the justice of rewarding him for his many services, and of the ingratitude of republics. But no attention was given to him. He learned that his letter had been read, and hoped the failure to reply was due to the absence of certain members. In the summer of 1640 the States General sent Boreel and two other ambassadors to Stockholm, where they negotiated a new treaty of alliance between Sweden and the Netherlands. On their way out in July and on their return in October they passed through Hamburg, and Usselinx seized both opportunities to confer with them.³¹⁶

Gabriel de Roy, now the Spanish resident at Hamburg, seems to have taken more interest in the plans of Usselinx than the States did. At any rate, his secretary made various attempts to ingratiate himself with Usselinx, commiserated him upon the ingratitude of the States, and told him that he had often heard De Roy wish he could be attracted into the Spanish service, where he would be well rewarded. But Usselinx of course refused, and further intimated that the experiences he had had, incognito, at Wismar with Gabriel de Roy, gave him some doubts of his benevolence towards him. He told the story to Salvius, who urged him to draw the man on, and to Count d'Avaux. Not long after, a converted Portuguese Jew, also in the interest of De Roy, tried in vain to discover what his designs were.³¹⁷

³¹⁶ Letters to the States General, Hamburg, Apr. 7, Oct. 23, 1640; Bibliog., II., Nos. 80 and 81. Resolutions of the States General, Apr. 2, 1640 (referring to a letter of his dated March 24), Apr. 26, 1640. Arend, *Algemeene Geschiedenis*, iii : 5, pp. 287-293. Arckenholtz, *Mémoires de Christine*, iii., p. 197. The two books were never printed, so far as is known. Gustavus had promised him 1,000 Swedish dalers a year. This would now make 13,000, or say 9,000 rixdollars. It appears that he had, so far, received only 4,000 of this.

³¹⁷ Memorial to Oxenstjerna, undated; Bibliog., II., No. 83. *Memorie aenwysende*, in Van Rees, II., p. 471. Avaux was at Hamburg through the autumn of 1640 and most of the year 1641; Arckenholtz, iv., pp. 305-318, 348-351; Charvériat, *Guerre de Trente Ans*, ii., pp. 444, 445.

When spring came, Usselinx gave up hope of getting any thing from the States General. A friend coming from Amsterdam had assured him that they did not mean to do any thing for him or his plan. He resolved to go back to Sweden after Easter, but sent one more memorial to the States General, reminding them how little it was to their credit that his services to his country should go unrewarded, and going curiously out of his way to give them the not very sound advice, to render no assistance to the revolts against Spain which had just broken out in Catalonia and Portugal. This advice he supported by somewhat remote arguments drawn from the ill-success of the Catalonian revolt against Pedro III. of Aragon in 1283, and the difficulty with which the Grand Master of Avis had won the throne of Portugal from the king of Castile by the battle of Albujarota in 1385. This looks as though the old man had spent some of his abundant leisure during the long winter at Hamburg in the reading of history. As argument, it did not have much effect on the Lords States; but some of the provinces raised the question, whether some money ought not to be given him in his present unfortunate condition. The question was decided affirmatively; but this seems to have remained a purely academic expression of opinion, and Usselinx, hearing nothing, went back to Sweden.³¹⁸

It was more than twelve years since he had left the country. In that time he had seen the failure of every plan which he had formed. Even the South Company itself was virtually extinct, and was absorbed, the next summer, in a newly formed West India Company. Of the millions which Usselinx had hoped, by various grand combinations, to secure for it, it seems to have actually possessed not much more than thirty thousand rixdollars of capital.³¹⁹

³¹⁸ Letter to the States General, Hamburg, Apr. 9, 1641; Bibliog., II., No. 82. Resolutions of the States General, Apr. 27, 29, 1641. In Holland Easter had already occurred, on March 31, this year; but, in places still using the old style, it came on April 25th.

³¹⁹ C. T. Odhner, *The Founding of New Sweden*, translated by Professor G. B. Keen, in the *Pennsylvania Magazine of History and Biography*, iii., pp. 407, 408. Carl K. S. Sprinchorn, *History of the Colony of New Sweden*, translated by Professor Keen, Pa. Mag., vii., pp. 406, 407.

IX.—LAST YEARS.

Should I present it to the Biskayners, French or Hollanders, they have made me large offers. But nature doth binde me thus to begg at home, whome strangers have pleased to make a Comander abroad.—Capt. JOHN SMITH, Letter to Bacon, 1618.

The stay of Usselinx in Sweden was not long, less than two years, in fact. Exhausted as the country was by its efforts in the prolonged and destructive war in Germany, he could expect little of the government. There was also very little that he could do. All his schemes had failed, and at seventy-four it was not easy to find new tasks. But it was impossible for him to be idle. First he suggests to the chancellor a plan by which, through correspondence with the Portuguese Jew at Hamburg, he may discover something of the views and intentions of the Spanish government concerning the trade of Sweden. Then he presents to him a statement of the receipts of the Dutch West India Company for the last year or two, and shows how this may encourage to such navigation from Sweden.⁸²⁰ But already he had turned his attention to quite another sphere of activity.

It gives a high notion of his tireless energy, elasticity, and exhaustless fertility of resource, and is at the same time a somewhat pathetic thing, to see this old man, when the great task that had absorbed all his energies for fifty long years finally failed him, taking up, at once and unfalteringly, a minor task of public improvement like that with which a few years of his prime had been occupied at the Beemster and the Soetermeer. Sweden, then as now, abounded in inland lakes. To an old Netherlander the idea might naturally occur of draining some of these and reclaiming large areas of rich meadow-land, as had been done in Holland. One such opportunity in particular had attracted his attention. At the western extremity of Lake Mälär, at the mouth of which Stockholm is situated, stood the important trading town of Köping. A few miles south of it lay the mouth of

⁸²⁰ Brief memorial to the Chancellor, undated, but apparently of the winter of 1641; Bibl., II., No. 83. *Staet ende Inkommen vande West Indische Compagnie*, Dec. 24, 1641; Bibl., II., No. 84.

the Arboga river, a link in the chain of water communication across or into the interior of Sweden. For, several miles from its mouth, there opened into it a recently constructed canal from Lake Hjelmar.

Along this river there seemed to Usselinx to be a chance to call into existence fruitful meadows; and there was a similar opportunity through the draining of a lake, or arm of Lake Mälär, lying between the mouth of the river and Köping. On the same day on which he handed in his statement about the Dutch West India Company, he made a request for permission to undertake these operations. At the same time he desired to have a patent, securing to him a monopoly of such enterprises in Sweden for a term of years, and a tenth part of all lands so reclaimed or of the profits of them. Then he proceeded, in the depth of winter, to visit the locality for the purpose of surveying it. The government seems to have been inclined to encourage and have confidence in him, for its local officials were instructed to give him due assistance.³²¹

Ulfvesund (now Kungsör), at the mouth of the river Arboga, was a royal residence, at which was kept a portion of the royal stud.³²² Hither he was attended from Strömsholm by the queen's equerry, Måns Nilsson. Summoning the bailiff of the village, he began work at once. As the expected surveyor did not appear, he began making the survey himself, although it was in the depth of winter (the end of January), and he was not experienced in such work. He took the length, and breadth, and depth of the lake in various parts, and investigated the opportunities for water-mills and wind-mills. Then he made his way up the river, measuring the extent of meadows that might be reclaimed; these, with the lake, seem to have made some ten square miles. Next he went up to the canal to interview the engineer of

³²¹ These and the subsequent details are derived from his *Relatie van myn verrichtinge op de reyse van Vlfersundt ende Vpsala*, Stockholm, Feb. 22, 1642; *Bibliog.*, II., No. 85. It gives the particulars of each day's doings; *Sundays*, the account shows, he did not work.

³²² *Svenska Riksrådets Protokoll*, ed. Kullberg, iii., pp. 91, 95, 226.

the sluices; then returned, and renewed his measurements. Altogether he was well pleased with the situation, and thought none in Sweden better suited to his purpose. In this he seems to have been right. A dozen years later Whitelocke (the "learned Bulstrode" of Carlyle) going through here to Köping on his famous embassy to Christina on behalf of the Parliament, found the country "fuller of corn than formerly [*i. e.* in former places], with some small meadows in the bottoms."³²³

Next, the untiring old man journeyed, along some of those roads which Whitelocke's men found so bad that they nearly mutinied at having to traverse them in midwinter, to the old cathedral and university town of Upsala, near which there was a similar piece of work needing to be done. Thence he returned to Stockholm after something like a month's absence. He seems to have found greater difficulties than he had expected in the execution of his design. In the first place the valuation of land of any sort was very small. In the second place, it was hard to find enough men competent to carry out the necessary works and then cultivate the reclaimed lands as they should be cultivated; this, however, would be better when the war stopped. The report which he presented is interesting as showing another side of Usselinx; he had, it is evident, much knowledge and excellent views of agriculture, as well as of commerce. He gives the government many excellent suggestions, and urges the execution of this particular work on the terms that he has proposed.

³²³ Whitelocke's *Journal of his Embassy*, ed. S. Laing, 1844, i., p. 202. In 1778 a traveller writes, "From Kungsör stretches, about nine miles, almost as far as Arboga, a long narrow plain of rich pasture, which belongs to the king: it is watered by the Ulvicon, and skirted with gently rising hills tufted with wood; produces great quantities of fine hay; and feeds a large number of cattle." W. Coxe, *Travels into Russia, Poland, Sweden, and Denmark*, ii., p. 482. This looks as if the project of Usselinx had been subsequently carried out. Usselinx's letters during this expedition were to be sent to Köping, very likely to the care of that "praetor" whom Whitelocke made to apologize so profusely for having given ill language of the Parliament, saying that they were a company of tailors and cobblers; or of that "consul" who assured him "that he had read Milton's book [*the Defensio pro Populo Anglicano*], and liked it, and had it at home." *Journal*, i., pp. 202, 203.

The council had at first resolved to give him his patent, and provide him with some sort of annual salary for his long and faithful services to the crown. But in the end nothing was done, and Chancellor Oxenstjerna told him it was hardly possible to do any thing of advantage in the way of draining until the war was over. This Usselinx declared that he did not expect to occur during his lifetime. He therefore besought the government to give him a little money and an honorable dismissal, that he might go back to his fatherland before the winter (for it was now August, 1642), and end his days quietly among his friends. At the same time he offered to be of any further service possible.³²⁴ It seems likely, however, that his departure was delayed over another winter; at least on April 11, 1643, we find a commission issued to him in the quality of Swedish agent of commerce in the Netherlands.³²⁵

In his own country, what we first hear of him is that at the end of July he has made to the States General some request which they would not grant.³²⁶ Then we hear no more of him until the next spring, when the affairs of the East India and West India Companies became a matter of general public discussion, in which he could not help taking part. In June, 1645, the charter of the West India Company would expire. The second charter of the East India Company expired at the beginning of 1644, but was temporarily continued from time to time, pending the discussions as to its renewal. The history of the two had been very different. The East India Company had devoted itself to trade exclusively, had been independent of state subsidies, virtually exempt from state control, and highly prosperous. With the West India Company, on the other hand, the foremost object had been warlike measures against Spain, especially in Brazil. Partly because they had declared excessive dividends in times of prosperity, partly because they had

³²⁴ Memorial to Oxenstjerna, Aug. 22, 1642; *Bibliog.*, II., No. 86.

³²⁵ C. T. Odhner, *Founding of New Sweden*, tr. Keen, in *Pa. Mag.*, iii., p. 399, note 3.

³²⁶ Resolutions of the States General, July 31, 1643 (*Hague MSS.*).

relied too much on governmental subsidies and these had not been duly paid, partly because the Portuguese had now become independent and desired to have Brazil back again, the fortunes of the company had fallen very low.

Yet so great was its utility to the state that its preservation was felt to be an object of great importance, and the proposition was made that, instead of renewing the charters of the two companies, they should be combined. The East India Company protested loudly against such a union, which would bring upon them the burden of great military undertakings, while it weakened them by association with a concern which was practically bankrupt. The West India Company, on the contrary, pleaded their public services, and urged that either such a combination be made, or they be in some way extricated from their present embarrassments.³²⁷

At this juncture, Usselinx came forward with an offer to show means by which the West India Company might be relieved, and with a request for a hearing and eventual recompense. He was referred to the committee on the union of the two companies, who heard him, but reported that he confined himself to generalities, offering, however, to disclose more if they would give him more time, a smaller committee, and a reward for his former services. As might have been predicted, he was referred to the directors of the West India Company.³²⁸

Not much more was accomplished at once by a similar application to the States General. They appointed a committee. In the autumn he presented to them two very long memorials. In the first he gave a detailed account of all that he had done for the founding of the West India Company, of all his services to the state since then, especially at the time of the invasion of the Veluwe, and of all the losses and perils he had incurred in the course of his efforts. He left it to them whether he ought not to receive some com-

³²⁷ Van Rees, *Geschiedenis der Staathuishoudkunde*, ii., pp. 180, 189-198. Arend, *Algemeene Geschiedenis*, iii : 5, pp. 446-451.

³²⁸ Resolutions of the States of Holland and W. Fr., Apr. 28, May 3, 1644, (in both Leiden and Hague transcripts).

pensation, instancing the rewards received by Columbus, the two per cent. of subscriptions and one per cent. on sales which Gustavus Adolphus had promised, and a recent offer of two per cent. on all sales, which "an ambassador of a great king" had made, if he would help to establish a company. He reminds them how disinterested his labors had been; and suggests that, at the least, they can recompense him for the loss sustained by selling his lands at so low a price. For it was his services to the state which made necessary the sale; he might therefore as properly be indemnified as those whose lands the state takes, by right of eminent domain, for its own purposes.²²⁹

The other memorial was devoted to public ends, to showing what ought to be done for the relief of the West India Company. Those ends of injury to Spain, increase of public revenue, lightening of taxes, and general benefit, which he had proposed in founding the company, could still be attained, if proper measures were taken. It had attempted to do too much, and, relying on state aid, had been a source of expense, rather than income, to the land. Its imports ought to be taxed. To unite the companies would be of no advantage to the West India Company or the land; it would make all foreign trade hereditary in the hands of a few men. If the charters were renewed, it should be with many modifications. A better and more Christian treatment of the natives, and the abandonment of the inhumane trade in slaves, should be secured. The east coast of Africa should be included. The company, if it was to maintain itself and do what it ought for its colonists in Brazil and elsewhere, must have exclusive possession of trade within its limits. Government should, in the interest of the colonists, erect additional safeguards against oppression and fraud, and, in the interest of the nation at home, against excessive prices. Of the two

²²⁹ Request of July 1, 1644; Bibliog., II., No. 87. Resolutions of the States General, July 1, 1644, (Hague MSS.). *Memorie aenwysende*, Oct. 3, 1644, in Van Rees, ii., pp. 461-475; this memorial is of great importance as a biographical source. The Albany copy (A. 6) has a brief preface, which Van Rees does not print.

companies, that of the West Indies should be favored the more, as more needing help, and as being of great public utility; the selfish merchants of the other company should be compelled to do something for it.³³⁰

In this programme of Usselinx there is much to remind one of the views expressed by him in the discussions, in 1619 and 1620, over the first chartering of the West India Company. There is much also to admire, not only in respect to insight and criticism, but in respect to the preference of public above private aims and the advocacy of justice and liberality toward colonists and humanity toward natives. Neither of the two memorials did much for their author. At first there seems to have been some hope. The three committee-men were favorably impressed, and on their report the Lords States charged them to get the written opinion of two or three juriconsults as to whether the *main levée* desired by him can be granted, see how justice toward him can be expedited, and get more advice from him. But soon one of the committee died, one went away, one became very busy, and again his hopes were disappointed. Nor was any thing accomplished for him by three memorials which he presented in the earlier part of the next year, in which, with excellent care for the colonial populations and great and detailed knowledge of East Indian trade, he argued against prolonging the East India Company's charter, and in favor of throwing the trade to those regions open to all Netherlanders.³³¹

Writing to Oxenstjerna in the spring of 1645 for the first

³³⁰ *Memorie van t' gene*, etc., Oct. 15, 1644 (Bibliog., II., No. 89); printed in Van Rees, ii., pp. 476-489. P. M. Netscher, *Les Hollandais au Brésil*, pp. 148, 149.

³³¹ Resolutions of the States General (at Albany), Oct. 18, 1644, Jan. 23, Feb. 17, March 29, April 22, 1645; also Jan. 3, 1646 (Hague). Memorials to them, dated Jan. 16, March 27, April 13, 1645, the first from the archives at the Hague, the last two from those at Stockholm, being copies which Usselinx sent to Oxenstjerna; Bibliog., II., Nos. 90, 91, 92. The statements of the letter to Oxenstjerna next mentioned show that in these five, Nos. 88-92, we have all the memorials on this subject that had been written up to April 25th.

time since his departure from Sweden, Usselinx expressed little hope of suitable reward from their High Mightinesses. Perhaps, indeed, it was on this very account that he turns again to the Swedish government. It appears that he had received nothing from the latter for two years. The minister, Silfvercron (*i. e.*, Peter Spiring, now ennobled), told him his pay must come out of the States' subsidies to Sweden, but they seemed unlikely to pay any more. So he writes to the chancellor of the matter, at the same time congratulating him on the victories recently won in the brief war with Denmark, and telling him what he had done in regard to various commissions of his. He had found the Netherlanders little inclined by recent experience in England and France to engage in draining operations in Sweden. And at the close he professes himself still ready, if need were, to make a little journey to Sweden once more, even by land.³²³

When in June he writes to Secretary and Postmaster-General Beyer, he is still hoping that, as soon as the war between Denmark and Sweden is over, and the question of chartering the two Dutch companies is decided, something may be done either for the project of draining lakes or for the great commercial scheme. Meanwhile he writes of news, and asks for repayment, from sums due her from the government, for money which he had lent to Cattarina Monier, the widowed and orphan daughter of his old friend, Antony Monier. It had been lent, he says, through his niece, Elisabet ter Nelbeurch, at Amsterdam. This is the only case in which he anywhere mentions any relative by name. It is pleasant to see that there were those who could care for him in his old age. His friends, he tells Beyer, offer him all possible help, and wish him to stay quietly with them; "but so long as God keeps me in the disposition I now am in, I would not gladly be a burden to any one, for I think

³²³ Letter to Oxenstjerna, April 25, 1645; Bibliog., II., No. 93. The mention of England is doubtless an allusion to the experiences of Cornelius Vermuyden, the Dutch engineer who superintended the draining of Hatfield Chase and the Bedford Level. Gardiner, *Fall of the Monarchy of Charles I.*, i., pp. 83-91.

that I, as well here as elsewhere, have deserved better than this, and would rather go on an East India or West India voyage than burden any one while able to do any thing better. I have still too much courage for that, though if sick I would make a virtue of necessity; and my age has become so great that in any case it cannot last much longer with me."³³³

This letter of June 13, 1645, is the last of the brave and resolute old man's letters that we possess. But his activity was not quite ended. The next year we hear of three memorials from and about him, of two further statements, and an exposition. The States General incline to recompense him for his services, and promise to try to find some way. The direct payment of a small sum of money does not seem to have occurred to the representatives of the richest country in Europe. On January 10, 1647, the States of Holland refer him to a committee; on February 28th the States General appoint a committee in regard to him; on August 8th, the pensionary informing the States of Holland that *Sieur Willem Usselinx* had that morning given him some papers, in which he said he had written some considerations of his for the good of the West India Company and concerning the present constitution of the state, the papers are referred to the committee on the West India Company.³³⁴ This is the last notice we have of the unwearied projector.

Usselinx must have died not long after this, though no record of his death or burial has yet been found.³³⁵ Had he lived until the conclusion of peace with Spain in the next January, we should be likely to find, in the proceeding of the States General, the evidence of some remonstrance or memorial from him. Probably, then, he died in the year 1647, at

³³³ Letter to Jan Beyer, June 13, 1645. *Bibliog.*, II., No. 94.

³³⁴ Resolutions of the States General, April 13, May 3, July 11, 1646, Feb. 28, 1647. Resolutions of the States of Holland and W. Fr., Jan. 10, Aug. 8, 1647.

³³⁵ Professor van Rees, ii. p. 143, note 2, says that he caused the registers of burials at the Hague to be searched from their beginning in 1651 down to 1660, without finding any trace of his burial; I have not succeeded in finding any information of the time of his death.

the age of eighty years ; and we may feel sure that he died with unabated courage and confidence in all his great plans. His life was exactly conterminous with the eighty years' struggle of the Netherlands for independence ; for he was born in the year of the arrival of Alva, and the last hostilities occurred in December of this year 1647. In this same year, too, the States renewed for twenty-five years the charters of both the two companies, making, however, some of those very amendments which Usselinx had recommended.³³⁶

The character of Usselinx, the lesson of his laborious and checkered career, will have been revealed in the process of narrating his life. Or, if they have not, it is vain to expect to accomplish that result by the few words of a closing paragraph. Yet because he achieved in the end little personal success, and because the last years of his life were less and less prosperous, it is well at the close to revert for a moment to his earlier years, and to fix a juster impression by recalling to mind not only the excellent service he had rendered to his own time and to ours, but also the unselfish and public aims by which he had made it impossible, despite all personal disappointments, for his life to be a failure.

³³⁶ Arend, iii : 5, pp. 773, 774. Van Rees, ii., pp. 209, 210.—It does not appear from any of the writings of Usselinx that he was married or had any children. G. Brandt, *Hist. der Reformatie en andere Kerkelyke Geschiedenissen in en ontrent de Nederlanden*, iv., pp. 168, 176, mentions one Jan Willemszoon Usseling, a zealous Remonstrant of Amsterdam, who in 1619 was compelled to flee thence. Mr. Berg van Dussen Muilkerk, in *De Gids*, 1849, i., p. 709, followed by Mr. J. Bouman, in the *Navorscher*, ix., p. 165, has raised the query whether this may not be a son of the projector. One would wish, if possible, to spare him the pain of having, with all his other calamities, a Remonstrant for a son. In the list, drawn up in 1657, of the farmers and others sent out to Staten Island since 1650 by the Jonkheer Henrick van der Capellen tot Ryssel, it is mentioned that the widow of one of them, named Jan Wesselinck, has since married an Englishman who is a carter, and lives with her three children at the Manhattans. *N. Y. Col. Docs.*, xiii., p. 75. It is barely possible, therefore, that some of the blood of Usselinx may not be in America. But the only kin that we really know of are the clerkly sister's-son and the niece Elisabet ter Nelbeurch.

BIBLIOGRAPHY.

I.—PRINTED WORKS.

In the following bibliography titles have been taken, in all cases where practicable, from the books themselves. The bibliographies briefly referred to in parenthesis are : G. M. Asher's *Bibliographical Essay on the Dutch Books and Pamphlets relating to New Netherland*, Amsterdam, 1854-1867 ; the bibliography at the end of É. Laspeyres' *Geschichte der volkswirtschaftlichen Anschauungen der Niederländer*, Leipzig, 1863 ; F. Muller's *Catalogue of Books on America*, Amsterdam, 1872 ; J. Sabin's *Dictionary of Books relating to America*, New York, 1867-1886 ; P. A. Tiele's *Bibliotheek van Nederlandsche Pamfletten*, Amsterdam, 1858-1861 ; J. K. van der Wulp's *Catalogus van de Tractaten*, etc., van Isaac Meulman, Amsterdam, 1866-1868 ; C. G. Warmholtz's *Bibliotheca Historica Suiogothica*, Stockholm, 1782-1817.

Of the capital initials following the parenthesis B indicates the presence of a copy in the John Carter Brown Library at Providence ; H, in the library of Harvard University ; L, in the Lenox Library at New York ; N, in the library of the State of New York at Albany ; P, in that of the Historical Society of Pennsylvania at Philadelphia ; S, in that of the Department of State, and W, in the Library of Congress, at Washington.

1. *Bedenckingen/Ober den staet bande herre-/nichde Nederlanden : Hoopende de Keer-/baert, Coop-handel, ende de gemeyne Herringe inde sel-/be. Ingevalle den Peys met de Aerts-hertogen inde aen-/staende Vrede-handelinge getroffen wert. / Door een lief-hebber eenes oprechten ende bestandighen / Vredes voorghestelt. / Gedruckt int Jaer ons Heren. 1608.*

Title + 14 printed pp. (Asher 29, Laspeyres 13, Tiele 646). B. L. S. W.

2. Grondich Discours oßer desen/aen-staenden Vrede-handel.

Half-title. 15 printed pp. (Asher 30, Muller 1542, Tiele 647). W.

This pamphlet is identical with the preceding, excepting the title. The two editions of the Grondich Discours, not distinguished by Asher, differ only in spelling. This one begins "Alzo ic dagelijcx," etc. Tiele first discriminated between them.

3. Grondich Discours oßer desen/aen-staenden Vrede-handel.

Half-title. 15 printed pp. (Asher 30, Tiele 648). S.

This edition differs from the preceding in spelling only. It begins "Alzoo ick daghelijcks," etc.

4. Naerder Bedenckingen, / Oßer de zee-handel, Coop-/handel ende Veringhe, als mede de borse-/keringhe banden Staet deser bereenichde Vanden, in-/ de teghenwoordighe Vrede-handelinghe met den/Coninck van Spangnien ende de Aerts-her-/toghen. / Door een lies-hebber eenes oprechten, ende bestandighen/vredes voorghestelt. / Ghedruckt in het Jaer ons Jheren 1608.

Title + 34 printed pp. (Asher 32, Laspeyres 14, Tiele 649). B. S. W.

5. Naerder Bedenckingen, / Oßer de zee-handel, Coop-/handel ende Veringhe; alsmede de borse-/keringhe van den Staet deser bereenichde Vanden, in-/ de teghen-woordighe Vrede-handelinghe met den/Coninck van Spangnien ende de Aerts-her-/toghen. / Door een lief-hebber eenes oprechten, ende bestandighen / vredes voorghestelt. / Ghedruckt in het Jaer ons Jheren 1608.

44 pp. (Asher 31, Muller 1543).

This edition I have never seen; I take the title from Asher.

6. Vertoogh, hoe nootwendich, nut ende pro-/fytelick het sy voor de vereenighde Nederlanden/te behouden de Vryheyt van te handelen op *West-/Indien*, Inden vrede metten Coninck/van Spaignen.

Half-title, 20 printed pp., n. p. n. d. (Asher 33, Laspeyres 15, Muller 1544, Tiele 650). B. L. W.

7. VERTOOGH, HOE NOOTWENDICH, NVT EN-/de profytelēck het zy voor de vereenichde Nederlanden te behouden /de Vryheyt van te handelen op *West Indien*, Inden vrede met/den Coninck van Spangien.

Half-title, 20 printed pp. (Asher 34, Tiele 651). L. S.

Of this, Asher knew only the copy in the "Witte Collectie" in the Royal Library at the Hague.

8. KORTE / Onderrichtinghe ende ver-/maeninghe aen alle liefhebbers des Vader-/lands, om liberalycken te teekenen / inde West-Indische Compagnie: / In de welcke / Kortelyck wort aenghewesen, de nootsaekelykheyt, / doenlyckheyt ende nutticheyt van de selve. / Door een liefhebber des Vaderlandts inghestelt, ende / tot ghemeyne onderrichtinghe in druck / vervoordert. / TOT LEYDEN: / Inde Druckerye van Isaack Elzevier, Boeck-drucker / vande Universiteyt, Anno 1622.

Title + 18 printed pp. (Asher 98, Laspeyres 39, Tiele 1934). B.

9. Korte/Onderrichtinghe ende ver-/maeninghe aen alle liefhebbers des Vader-/lands, om liberalycken te teekenen / in de West-Indische Compagnie. / In de welcke / Kortelyck wort aenghewesen, de nootsaekelykheyt, doenlyckheyt ende nutticheyt van de selve. / Door een liefhebber des Vaderlandts inghestelt, ende / tot ghemeyne onderrichtinghe in druck/vervoordert. / Tot Leyden / In de Druckerye van Isaack Elzevier, Boeck-drucker / vande Universiteyt, Anno 1622. / Men vintse te Koop tot Rotterdam, by Jan van Waes-/berghe op 't Marct velt.

Title + 18 printed pp. (Tiele 1935, Sabin 38260).

The copy in the Muller collection catalogued by Tiele did not come to the library of the University of Ghent. I have therefore had to take this title from Tiele and Sabin, and cannot give the typography of the original.

10. POLITICQ DISCOVERS, / Oer den wel-standt van dese / bereynigde Provincien, nu wederomme/met haren Vyandt ghetreden zijnde/ in openbare Oorloghe; / Ende of voor de selve de Vrede of de Oorloghe / dienstigher is. / Waer inne kortelyck werden beantwoordt verscheyden / brach-ty-poincten, die de selve Landen schynen te raden tot / Vrede ofte Bestand: midtsagaders waerachtich verhael / van de brachten, welcke den voorgaenden Treks heeft/voort-gebracht: Ende met eenen aenghewesen de mid-/delen waer door wy onse waerde bruyghet teghen den / Syngjaert sullen beschermen; bestaende insonderheyt / in het borderen van de West-Indische Compagnie, by / de Gooch-Moghende Heren Staten General gheoc-/troeyert. / Ghetrouwelijck in-ghestelt by een Lief-/hebber van het Vaderlandt. / T.L.B.I.E.D.V.V. / In 't Jaer ons Heren 1622.

Title + 26 printed pp. (Tiele 1929).

I know of no copy of this in this country; for the above, taken from the copy in the library of the University of Ghent, I am indebted to the unfailing kindness of Professor Paul Fredericq, of that university.

11. POLITIICQ DISCOVERS, / Over den welstandt van dese / Vereenichde Provintien, nu weder-/omme met haren handt ghetreden zynde/ in openbare Oorloghe. / Ende of voor de selve de Vrede of de Oorloghe / dienstigher is. / Waer inne cortelijck werden beantwoordt / verscheyden braegh-poincten; die de selve Landen schij-/nen te raden tot brede ofte Bestandt: mitsgaders waer-/achtich verhael van de brachten, welcke den hoorguen-/den Trekes heeft hoort-gebracht: Ende met eenen / aenghewesen de middelen waer door wijs onse waerde/bruyghdt teghen den Spangiaert sullen beschermen; be-/staende insonderheyt in het hoorderen van de West-Indische Compangie, by de Hoogh-Moghende Heeren/Staaten General ghetrongeert. / Ghetrouwelyck in-ghestelt by een Liefhebber van het Vaderlandt. / T.L.B.I.E.D.V.V. / In 't Jaer ons Heren, 1622.

Title + 18 printed pp. (Asher 91, Laspeyres 46, Sabin 63830, Tiele 1930).

I know of no copy of this in this country; through the kindness of Dr. W. N. du Rieu, librarian of the University of Leiden, I have had a transcript of it. The above title-page is taken from Asher and this transcript.

In a passage which I had overlooked, and now find too late to make any use of it, Professor Van Rees, ii., pp. 157-9, conjectures that Usselinx may possibly be the author of Nootwendich Discours, 1622, also printed with the titles Ootmoedige Beklagh-redenen, etc., and Den vervaerlycken Oost-Indischen Eclipsis; likewise of Tweede Noot-wendiger Discours, also printed with the title Den Langh-verwachten Donder-slach, etc.

12. MANIFEST/vnd Vertragbrieff, der/Australiſchen Company/ im Königreich Schweden auff-/gerichtet. / Im Jahr/M.DC.XXIV.

Title + 11 printed pp. (Warmholtz 7627). P.

A facsimile of the title-page is given in Winsor's Narrative and Critical History of America, IV., p. 489. The contents differ but slightly from those of Der Reiche Schweden General Compagnies Handlungs Contract, No. 13, from the last division of Auszfürlicher Bericht, No. 16, and from the Formular dess Manifest und Vergleich oder Contract-Briefs der Compagnie, in the Argonautica, No. 26.—This piece is very rare; see note 166.

It is possible that I ought to include in this part of the bibliography the printed copy, mentioned in note 167, of the king's commission of Dec. 21, 1624. No doubt the commission, at least the original Dutch draft, was written by Usselinx; but the printed copy has no title, and seems to be merely a broadside of 44 lines.

13. Der Reiche Schweden/GENERAL COMPAGNIES Handlungs/CONTRACT,/Dirigeret naßer Asiam, Africam, Americam/ und Magellanicam., / Sampt deffen / Conditionen vund Willküren./ Mit Kön. May. / zu Schweden / unſers Aller- / gnedigſten Königs vnd

Herrn gnediger Bewilligung, / auch hierauff ertheilten Privilegien, in of- / fentlichen Druck publiciret. / Stockholm / 1625.

Title + 14 printed pp. (Muller 2847, Sabin 68983). B. W.

The contents differ but slightly from those of Manifest und Vertragbrieff, No. 12, and are nearly identical with those of the last division of Ausführlcher Bericht, No. 16, and of the Formular dess Manifest und Vergleich oder Contract-Briefs der Compagnie, in the Argonautica, No. 26.—Rare.

14. Sweriges Rådes / General Handels Com- / pagnies / CONTRACT, / Dirigerat til Asiam, Africam, Americam / och Magellanicam, / Sampt theß / Conditioner och Wilfähr. / Bppå S. R. M. wår Allergnådigste Konungs / och Herres nådigha behagh, och sthigifne Privilegiens / Innehåld, aff Trycket sthgången och / publiceret. / Stockholm, år 1625.

Title + 14 printed pages. W.

This differs but little from the preceding German tract, except that there is prefaced to it, p. ii., a notice as to subscriptions. The title is taken from two transcripts, the one kindly furnished me by Dr. Klemming, the Royal Librarian, and Mme. K. Sjöberg, and made from the title-page of a copy in the Royal Library at Stockholm, the other made from a copy in the library of the University of Upsala, and placed at my service by the kindness of Dr. C. Annerstedt, principal librarian, and Dr. Aksel Andersson, assistant librarian. For the copy in the Library of Congress at Washington, though I had seen and read it before, could not be found at the moment of preparing this notice. Though this piece has not been, so far as I know, mentioned in any previous bibliography, it is referred to by Acrelius, *Beskrifning om de Swenska Församlingars forma och närwarande Tilstånd, uti det så kallade Nya Sverige*, Stockholm, 1759, in a footnote to p. 5 (p. 20 of Reynolds' translation). Professor Keen, in Winsor's *Narrative and Critical History of America*, iv., p. 490, cites it from him.—This piece is rare.

15. Stihförligh Förklaring / öfwer / Handels CONTRACTET / angående des thet Eddre Compagniet / sthi Konungarådet i Swerighe. / Stålt igenom / Wilhelm Besselinx. / Och nu aff thet Nederländste Språket / sthig satt på Swenska, / Aff / ERICO SCHRODERO. / Tryckt i Stockholm, aff Ignatio / Meurer, Åhr 1626.

Title + 98 printed pp. (Muller 1143). B. W.

This contains, 1. a preface Til Läsaren, dated Stockholm, July 2, 1626, also to be found in Nos. 16 and 20; 2. the *Vthförligh Förklaring*, most of which is a translation of the Naerder Bericht of No. 20, but with considerable omissions, especially that of the characterization and defence of Sweden, with some additions and changes, and with a different arrangement, so that, as it stands, it corresponds, so far as the material is identical, to the pages of the Argonautica taken in the following order, — pp. 38 second half, 39, 40 first half, 9,

10 first half, 18-23, 10 second half, 11, 12 first half, 23 ad fin., 15 first half, 24-26, 13, 27-30, 36, 37 first half, 41 second half; 3. Tilsätning, the Byvoeghsel of No. 20; 4. Summarisk Berättelse, the Sommer Verhael of No. 20, with the letters of the States General and Prince Maurice in Swedish translation. Rare; see notes 184, 194.

16. Ausführlicher Bericht / Über den / MANIFEST: / Oder Vertrag Brieff der Australischen oder / Süder Compagnie im Königreich / Schweden, / Durch / Wilhelm Usselinx. / Aus dem Niederländischen in die Hochdeutsche / Sprache übergesetzt. / Stockholm, / Gedruckt durch Christoffer Neufner. / Anno M.DC.XXVI.

Title + 133 printed pp. (Warmholtz 7629). P. W.

This contains, 1. a preface An den günstigen Leser, dated Stockholm, July 2, 1626, also to be found in Nos. 15 and 20; 2. VoorReden aen alle vromme Nederlanders, in Dutch, dated Stockholm, Oct. 17, 1625, to be found also in No. 20, and in the Argonautica Gustaviana; 3. the Ausführlicher Bericht, a translation of the Naerder Bericht of No. 20; 4. Anhang dieses ausführlichen Berichts, the Byvoeghsel of No. 20; 5. Summarische Erzählung, the Sommer Verhael of August, 1623 (see note 147), accompanied by the letters of the States General, of Aug. 25, 1623, and of Prince Maurice, of Aug. 30, 1622, in German translation (see notes 140, 148); 6. Der Reiche Schweden General Compagnies Handlungs Contract, same as No. 13.

17. Octroy / Eller / PRIVILEGIUM / Som / Then Stormægtigste Högborne Furste / och / Herre, / Herr Gustaff Adolph, / Sveriges Öfverste och Wendes Rönung, Storfurste til Finland, Hertigh vthi / Estland och Carelen, Herr vthöfwer / Ingermanland, etc. / Thet Swenske nyss uprättade Söder Com= pagniet nådigst hafwer gifvit och bebrefwat. / [Royal Arms of Sweden.] / Stockholm, / Hoos Ignatium Meurer, / Åhr 1626.

Title + 14 printed pp.

The title of this Swedish edition of the charter was taken for me by Mme. Sjöberg from a copy in the Royal Library at Stockholm. It is not mentioned, so far as I know, in any previous bibliography; but it is referred to by Acrelius, p. 5 (p. 20 of trans.). In Winsor, iv., p. 490, it is cited from him.

18. OCTROY / Vnd / PRIVILEGIUM, / So / Der Allerdurchleuchtigste, Großmächtigste Fürst vnd Herr, Herr / GUSTAVUS ADOLPHUS, / Der Schweden Gothen vnd Wenden König, / Großfürst in Finland, Herzog zu Esten vnd Carelen, Herr zu Ingermanland, &c. / Der im Königreich Schweden jüngsthin auffgerichteten Süder Company allergnädigst gegeben / vnd verliehen. / [Royal Arms of Sweden.] / Stockholm, / Gedruckt bey Ignatio Meurern, / Im Jahr 1626.

Title + 13 printed pp.

The title of this German edition of the charter was taken for me from a copy in the Royal Library at Stockholm. This is one of the four pamphlets reprinted in Marquardus, sub lit. N., the original of which Asher, p. 85, declared to be absolutely lost; it does not occur in any previous bibliography, so far as I know. It is printed in the *Argonautica*, pp. 9-16, and in Marquardus, ii., pp. 545-552, as well as in his preceding reprint of the *Argonautica*, sub lit. M., at pp. 380-387.

19. Octroy / Oder / PRIVILEGIUM, / So / Der Allerdurchleuchtigste, Großmäch- / tigste Fürst und Herr, / Herr Gustaff Adolff, / Der Schweden, Gothen und Wenden / König, Großfürst im Finland, Herzog zu / Esthen und Carelen, Herr zu Inger- / manland, etc. / Der im Königreich Schweden jüngsthin außgerich- / teten Süder Company allers- / gnedigst gegeben / und verliehen. / Stockholm, / Gedrukt bey Ignatio Meurern, / Im Jahr 1626.

Title + 14 printed pp. (Warmholtz 7628).

This title is taken from a copy in the Royal Library at Stockholm. Dr. Klemming, the Royal Librarian, says that it was really printed in Germany. Its contents are, I take it, identical with those of the preceding.

20. Octroy/otte/PRIVILEGIE,/Soo by den / Alderdoorluchtigsten Grootmachi- / gen Vorst ende Heer/HEER/Gustaff Adolff, / Der Sweden, Gotten und Wenden Koningh, Groot-/vorst in Finland, Hertogh tot Chesten ende Carelen,/Heer tot Ingermanland, &c. / Aen de nieuw opgerichte Rugder Compagnie/in 't Koninkryck Sweden onlangs Genadigst/gegeven ende verleend is,/Mitsgaders een naerder Bericht, over 'tselfe/Octroy ende Verdragh-brief,/naer/WILLEM VSSELINCX./IN 's GRAVEN-HAGE, / By Aert Meuris, / Boeckverkoopster in de Hapstratz/ in den Bybel, Junij 1627.

Title + 98 printed pp. (Asher 41, Van der Wulp 2008, Muller 1142.) N. P.

This contains, 1. the charter; 2. a brief preface Tot den Leser, dated Stockholm, July 2, 1626; 3. Voor-reden aen alle vromme Nederlanders, of 6 pp., dated 1 October, 1625; 4. Naerder Bericht, forming the main body of the pamphlet; 5. Byvoeghsel or appendix, written on occasion of the loss of Bahia, and recounting Vsselinck's services; 6. the *Sommier Verhael* of August, 1623, (see note 147), with the letter of the States General to the XIX. of the West India Company, of Aug. 25, 1623, and of Prince Maurice to the States General, of Aug. 30, 1623 (see notes 140, 148). Though printed later, this is the original of (most parts of) Nos. 15 and 16. Chesten is of course a misprint for Ehesten (Esthonia).

21. Waerschouwinghe/Offer/En Trekes met den Co-/ninck van Spangien, aen alle goede / Patriotten, ghedaen met ghewichlige redenen. / Door VVillem VVsselinck./ Ende / In Druck uytghegeven door een Lief-

heb-/ber des Vaderlants. / [Vignette representing the adoration of the Magi, surrounded by a legend consisting of Matthew, ii.: 10.] / TOT VLISINGHEN, / Gedrukt by Samuel Claey's Versterre, Boeck-/verkooper woonende op de Haven, inden Bergulden / Wyhel, Anno 1630.

Title + 47 printed pp. (Asher 49, Laspeyres 71¹, Muller 1549, Tiele 2369). L.

This edition has no address to the States of Zealand, but simply a brief preface, Den Drucker tot alle goede Patriotten, on the reverse of the title-page. I am indebted to Professor Paul Fredericq, of the University of Ghent (the library of which now possesses the collections catalogued by Tiele and Van der Wulp), who kindly sent me information concerning this edition and a copy of its preface (at a time when I did not know that the Lenox Library possessed a copy), for pointing out to me that the legend surrounding the vignette upon the title-page, Doen sy nu de Sterre sghen, vervreuchden sy hen zeer met grooter vreuchden, contains a punning reference to the name of the printer, Versterre.

22. Waerschuwinge/Over den/TREVES/Met den Koningh van Spaignien./Door Willem VVsselinx. / Ende / In Druck uytgegeven door een Lief-/hebber des Vaderlants. / TOT VLISSINGEN, / Gedrukt by Samuel Claey's Versterre, Boeckverkooper/ woonende op de Haven, inden bergulde Wyhel, 1630.

Title + ii + 30 printed pp. (Asher 48, Laspeyres 71², Van der Wulp 2127). B. W.

The pamphlet is dated at the Hague, Jan. 16, 1630, and, instead of the preface, Den Drucker tot alle goede Patriotten, is preceded by a prefatory address of two pages to the States of Zealand, dated Flushing, Feb. 14, 1630. Asher dates his No. 48 in 1633, and adds the unintelligible description "89 pp. 30 l." But from what Dr. W. N. du Rieu, librarian of the University of Leiden, writes me concerning the copies of the two editions in his library and in the Royal Library at the Hague, kindly examined by him for me, I judge that these are simply misprints, and that the above is Asher 48. Of course it may have been reprinted in 1633, but Laspeyres, pp. 79, 297, says he never saw such a reprint.

23. AMPLIATIO / Ober / Erweiterung / Des / PRIVILEGII / So / Der Allerdurchleuchtigste, Großmächtig= / ste Fürst vnd Herr / GUSTAVUS ADOLPHUS, / Der Schweden, Gothen, vnd Wenden Kö= / nig; Großfürst in Finnland, Herz zu Esthen vnd / Carelen, Herr zu Ingermanland, &c. / Der Newen Australischen oder Süder=Compagnie / durch Schweden vnd nun mehr auch Teutschland, aller= / gnädigst ertheilet vnd verliehen.

Title + 6 printed pp.

This and the two next succeeding numbers have not to my knowledge appeared in any previous bibliography; it is one of the four pamphlets reprinted in Marquardus, sub lit. N., the originals of which Asher, p. 85, confidently

supposed to be absolutely lost. I know of no copy in this country, but have been favored with a transcript of the title-page of a copy in the Royal Library at Stockholm, though the kindness of Dr. Klemming, the Royal Librarian, and of Mme. K. Sjöberg. The lower part of the page is torn, hence no doubt the absence of place and date, but the signature is dated Heilbronn, Apr. 10, 1633. The *Ampliatio* is printed in the *Argonautica*, pp. 17-20, and in Marquardus, ii., pp. 552-554, as well as in his preceding reprint of the *Argonautica*, sub. lit. M., at pp. 388-391. In Marquardus' reprint, the title has in addition the two lines *Gedruckt zu Heylbrunn bey Christoph Krausen, / im Jahr 1633. Mense Aprili.*

24. *Kurtzer / EXTRACT / Der / Vornemsten Hauptpun- / cten, 10*
bisher weitläufftig vnd gründt- / lich erwiesen, vnd nochmals, jedermännig-
lich, / vnwidersprechlich für Augen gestellt / sollen werten. / In Sachen
der neuen Süder Compagnie. / Gedruet zu Heylbrunn bey Christoph
Krausen. / Anno 1633. Mens. Aprili. / [Royal Arms of Sweden].

Title + 3 printed pp.

This also is one of the four pamphlets reprinted in Marquardus, sub. lit. N., the originals of which Asher supposed to be lost. The title above is taken from that of a copy in the Royal Library at Stockholm; I am indebted for it to Dr. Klemming and Mme. Sjöberg. The *Kurtzer Extract* is reprinted in Marquardus, ii., pp. 541, 542. It consists of ten paragraphs, but these are not identical with those of the *Extract etlicher vornehmen Hauptpuncten in the Argonautica*, pp. 6, 7, reprinted in Marquardus, ii., pp. 377, 378.

25. *INSTRVCTION / Oder / Anleitung: / Welcher gestalt die Ein- /*
zeichnung zu der neuen Süder Compagnie, / durch Schweden vnd nunmehr
auch Teutschland, / zubefördern, vnd an die Hand zunehmen; ders- / selben
auch mit ehestem ein Anfang / zumachen. / [Royal Arms of Sweden.] /
Gedruckt zu Heylbronn bey Christoff / Krausen. 1633. Mense Aprili.

Title + 6 printed pp.

This also is one of those pamphlets thought by Asher to be "absolutely and totally lost." I do not know of any copy in this country. For the above title, from a copy in the Royal Library at Stockholm, I am indebted to the kindness of Dr. Klemming and Mme. Sjöberg. The *Instruction* is printed in the *Argonautica Gustaviana*, *Mercurius Germaniae*, pp. 35-37; and in Marquardus, ii., pp. 542-545, as well as, with some slight differences of text, in his preceding reprint of the *Argonautica*, sub. lit. M., ii., pp. 520-523.

26. *ARGONAVTICA GVSTAVIANA; / Das ist: / Nothwendige*
NachRicht / Von der Newen Seefahrt vnd / Rauffhandlung; / So von
dem Weilandt Allerburckleuchtigsten, Großmäch- / tigsten vnd Siegreichsten
Fürsten vnd Herrn, Herrn GVSTAVO / ADOLPHO MAGNO, der
Schweden, Gothen vnd Wendten König, Groß- / Fürsten in Finnlandt,
Herzog zu Esthen vnd Carelen, Herrn zu Inger- / manlandt, &c. Allers-

glorwürdigsten Seeligsten Andenkens / durch anrichtung einer / General Handel=COMPAGNIE, / Societet oder Gesellschaft, / In dero Reich vnd Landen, zu derselben sonderbahrem Auffnehmen vnd Flor, auß hohem Verstandt vnd Rath, vor wenig Jahren / zu stifften angefangen : / Aniezo aber der Teutischen Evangelischen Nation, insonder= / heit denjenigen welche sich in S. R. M. Freundschaft, devotion, oder Ver= / bündnuß begeben, vnd sich dieses großen Vorthells, bey so stattlicher Gelegenheit, gebrauchen / wollen, zu vnermeßlichem Nuß vnd Frommen, auß Königlicher Milbigkeit, zuneigung vnd Gnade, / mitgetheilet worden: vnd mit dem förderlichsten, vermittels gnädiger verleihung des / Allerhöchsten, fortgesetzt vnd völig zu Werck gerichtet / werden soll. / Darauf denn ein jedweder claren, gründ= lichen, vnd zu seinem Behuff satzamen / Bericht vnd Wissenschaft dieses Hochwichtigen Wercks einnehmen, vnd wie dasselbe nicht al= / lein an sich selbst sondern auch dieses orths, Christlich, hochrühmlich, Rechtmäßig vnd hochnützlich, / auch practicierlich vnd ohne große difficulteten sey, zur gnüge verstehen kan, / Dabey auch zugleich vernünftig crachten vund ermeßen mag : Ob ihme vnd den seinigen, weß / Standes oder Condi= tion er jummer seyn möchte, dieses hiemit ihme angewiesenen vorhabens, zwischen diesem vnd dem, ge= / liebts Gott, nächstkommenden Newen Jahrs Tage, durch einschreibung seines Namens vnd einer gewissen Post / Gel= des, es sey so viel es wolle, sich theilhaftig zu machen rathsam vnd thuns= lich / erfunden werden möchte. / Was aber für allerhandt vnterschiedene Schrifften, diese Sache betreffendt, / allhier beyamen vorhanden; solches wird die nächstfolgende Seite zeigen. / I Regum 9. / Vnd Salomo machte Auch Schiffe zu Gezon Geber, die bey Eloth ligt am Vßer des Schilff= / Meers im Lande der Edomiter : Vnd Hiram der König zu Tyro sandte seine Knechte im / Schiff, die gute Schifffeute vnd auff dem Meer er= fahren waren, mit den Knechten Salomo, / vnd kamen gen Dphir, vnd holeten daselbst Vierhundert vnd zwanzig Centner Goldes, vnd / brachtens dem Könige Salomo. / Gedrukt zu Frankfurt am Mayn, bey Caspar Möttern, / Im Jahr Christi 1633. Mense Junio. / Mit der Cron Schweden Freyheit.

Title + xix. + 55 + 51 printed pp. (Warmholtz 7630). B. H. L. N. P. W.

Asher, who had never seen the original of the *Argonautica Gustaviana*, (nor indeed most of the numbers here catalogued), conjectured that there was a copy in America, probably from having observed a reference to it in a footnote of Mr. Bancroft's first volume; as above noted, there are now several copies in the country. I am informed that four copies are known in Sweden. The work contains, after a table of contents on the reverse of the title-page, 1. Patent oder öffentlich Ausschreiben wegen dieses Vorhabens, a proclamation or

notice by Oxenstjerna, dated Frankfort-on-the-Main, June 26, 1633, calling attention to the reissue of the charter with amplifications, and recommending it to all ; 2. Extract etlicher vornehmen Hauptpuncten auss folgenden Schrifften, in two pages under ten heads, not quite identical with No. 24, *supra* ; on the next page one J. B. (perhaps Jan Beyer), from goodwill and "ne pagina vacaret," has added a Latin poem of ten lines, asking God's blessing on the project ; 3. Octroy und Privilegium S. K. M. von Schweden Aller Glorwürdigsten Angedenckens, the original charter, in 37 articles, dated Stockholm, June 14, 1626 ; 4. Ampliatio oder Erweiterung solches Privilegij auff die Teutsche Nation, in fourteen articles, dated Nuremberg, Oct. 16, 1632, but left unsigned by Gustavus, and signed by Oxenstjerna at Heilbronn, Apr. 10, 1633 ; 5. Formular dess Manifest und Vergleich oder Contract-Briefs der Compagnie, five pp., identical in contents with Der Reiche Schweden General Compagnies Handlungs Contract, No. 13, and with the last division of Auszfürlicher Bericht, No. 16, and nearly identical with Manifest und Vertragbrief, No. 12 ; 6. in Dutch, Voorreden aen alle vromme Nederlanders, which had already appeared in Nos. 16 and 20, dated Stockholm, Oct. 17, 1625 ; 7. Auszfürlicher Bericht uber solchen Contract-Brief, occupying pp. 9-43, being the essay, translated from the Dutch of No. 20, which gives its title to No. 16, with slight amendments and changes of translation here and there ; 8. Anhang dieses auszfürlichen Berichts, with appendices A. B. C. (pp. 43-55), being the same German translation of the Byvoeghsel of No. 20 which had appeared in No. 16, the three letters being, A, the Sommer Verhael of Aug., 1623, here dated 1622, translated, B, the letter of the States to the W. I. Company, Aug. 25, 1623, in Dutch, C, that of the Prince to the States, Aug. 30, 1622, also untranslated ; 9. Mercurius Germaniae, das ist, Sonderbahre Anweisung für Teutschlandt: Wie beneben dem Allgemeynem Wesen, der Kauffhandel vnd Seefahrt, vnd ins gemein alle Nahrung darinnen sehr zuvermehrten vnd zu verbessern : Also das selbige Lande hiedurch zu ihrem vorigen Flor vnd Wollstand in kurtzem widerumb gelangen mögen, occupying pp. 1-34 ; 10. Instruction Oder Anleitung, as to the mode of subscription, pp. 35-7, nearly the same as No. 25 ; 11. appendices D to K, containing, with various comments, D, a letter of Gustavus to the States General, in Latin, dated Jan. 27, 1629, E, an extract from the resolutions of the States on Apr. 17, 1629, F, brief letters of the States to the Company and of the Company to the States, of Nov. 17, 1629, and Dec. 3, 1629, respectively, G, the long memorial of Usselinx to the States, Aug. 15, 1630, pp. 41-48, H, I, an order of the States, Aug. 31, and a resolution, Sept. 6, 1630, K, a commission to Usselinx as director of the Company, signed by Oxenstjerna, Heilbronn, May 1, 1633.

At the end of the Harvard College copy, for the loan of which I am indebted to the librarian, Justin Winsor, Esq., is bound up a tract of four pages which I have not seen mentioned in any bibliography, bearing the half-title, Ampliatio Oder Erweiterung von dem Octroy vnd Privilegio, der neuen Snyder-Handels Compagnia, durch Last vnd Befehl von die Deputirten der löblichen Confoederirten Herren Ständen, der vier Ober Cräysen zu Franckfurth, anzustellen verordnet, den 12. December Anno 1634. At the end is the colophon, Gedruckt zu Hamburg, durch Heinrich Werner, Im Jahr Christi 1635.

27. The following in part consists of certain writings of Usselinx (the engraved title is omitted) :

TRACTATUS/POLITICO-JURIDICUS/DE/IURE MERCATO-/RUM ET COMMERCIO-/RUM SINGULARI, / IN QUO/Ex Iure Divino, Publico, et Privato, Communi, Ci-/vili, Canonico, Feudali, Saxonico nec non variorum Juris Interpretum/Commentariis ac Consiliis, diversis Imperii Romano-Germanici, Regnorumque Franciae,/Hispaniae, Lusitaniae, Italiae, Angliae, Scotiae, Daniae, Sueciae, Poloniae, Moscoviae, Persiae, Vene-/tae, Belgii, Hanseaticarum et aliarum Rerumpubl. Ducatum Civitatum Constitutionibus,/Ordinationibus, Statutis municipalibus, Moribus, Privilegiis, Pactis, Contractibus, ut et Phi-/losophorum, et Historicorum Classicorum axiomatibus, exemplis atque monitis Politicis,/Jura Commenciorum Singularia, IV. Libris secundum tria Juris objecta summa-/tim collecta, exposita et illustrata sunt./Accesserunt in fine Tractatus/Ipsa Privilegiorum, Constitutionum, Statutorum, Pactorum, &c. Exemplaria, peculiari designatione juxta seriem Alphabeti, summis vigiliis atq. impensis, in gratiam Lectoris, passim con-/quisita, partim verò nunquam publicè visa./A UTHORE/IOHANNE MARQVARDO, ICto / Cum Privilegio Sac. Caes. Majest. / FRANCOFVRTI, / Ex Officinâ THOMAE MATTHIAE GÖTZII,/ANNO M DC LXII.

2 vols., pp. xiv., 572 ; iv., 744 (Asher 42-47, Laspeyres 59-61, 83, Muller 1136, Sabin 44661). N. W.

The parts of this work which are reprints of writings of Usselinx are comprised in appendices M and N, in the second volume. Under the letter M, at pp. 373-540, is given a complete reprint of the *Argonautica Gustaviana*. The only differences in the reprint seem to be : first, that on p. 401, just before the *Ausführlicher Bericht*, is a note to the reader, reminding him that events since 1633 have necessarily caused alterations in some provisions of that which follows ; secondly, on pp. 469, 470, of the letters accompanying the *Anhang dieses ausführlichen Berichts*, B and C now appear not only in the original Dutch, but also in German translations. This matter under M constitutes Asher's No. 43. The reprints of the *Ausführlicher Bericht*, of the *Anhang*, and of the *Copey Lit. A*, (i. e., pp. 398-469) constitute respectively Laspeyres' Nos. 59, 60, 61. He is altogether in error, however, in saying that the last is the *Ver-toogh hoe nootwendich*, of 1608. It is the *Sommier Verhael* of August, 1623. The reprint of the *Mercurius Germaniae*, (i. e., Marquardus, ii., pp. 471-520) is Laspeyres' No. 83.

Under the letter N are reprinted, at pp. 541-554, the four pamphlets which are in this bibliography numbered respectively 24, 25, 18, and 23,—the *Kurtzer Extract*, the *Instruction oder Anleitung*, the *Octroy und Privilegium*, and the *Ampliatio oder Erweiterung*. These four are in Asher numbered 44, 45, 46,

and 47 respectively. Of the first, second, and fourth of them in the reprint, he says, in the passage (p. 85) already referred to: "As far as we know, these are the only remains of the existence of these pamphlets, which are now neither rare nor unique, but absolutely and totally lost." As will have been seen, I have had the good fortune to find that there are in the Royal Library at Stockholm copies of the original editions of all four. But, as the notes appended in the case of each will have shown, they contain virtually no new material; for they are, with but slight exceptions, merely separate issues of parts of the *Argonautica*, which Marquardus added to his reprint of the latter in ignorance or carelessness of the fact that he was thus repeating.

II.—WRITINGS NOT PRINTED.

Under this head are included writings of Usselinx not printed by him or in his lifetime. In designating the copies of some of them at Albany I have used the notation of a provisional calendar of them which I left there after concluding my examination of them. Excepting these fifteen (eleven of which are printed in Van Rees), and Nos. 3, 67, and 70, all the following are described from copies in my own possession. In a few cases, it will be seen, there may be a doubt of authorship; I have had only copies by which to decide.

1. A brief memorial or request to the States General; undated, but of about the year 1617. Rijksarchief, Hague.

2. A brief memorial or request to the States of Holland; undated, but of about the autumn of 1617. Rijksarchief, Hague.

3. The draft of a charter prepared by Usselinx. [1619.] Rijksarchief, Hague. Printed by O. van Rees, *Geschiedenis der Staathuishoudkunde in Nederland tot het Einde der achttiende Eeuw*, ii., pp. 384-408.

4. *Corte aenwysinge van de voornaemste verschillen tusschen 't concept van octroy op WestIndien dat by de Hoog Moogende Heeren, mynheeren de Staten Generael inde maent van Februario anno 1619 aen de respective Provincien is gesonden ende tgene daerna by de Gecommitteerde uit de groote Zee Steden van Hollandt ende West-Vrieslandt is beraemt*; Hague, Apr. 13, 1620. Rijksarchief, Hague. A copy is among the Murphy papers in the Library of the State of New York at Albany, designated as B. 1:1. Printed by Van Rees, ii., pp. 408-432. (Laspeyres 25.)

5. Memorial to the States General; Hague, Oct. 5, 1621. Rijksarchief, Hague; copy at Albany, Murphy papers, B. 1:2. Laspeyres, in the bibliography of his *Geschichte der volkswirtschaftlichen Anschauungen der Niederländer*, gives as No. 26 a memorial of Oct. 21, 1621; but Mr. L. Ph. C. van den Bergh, archivist at the Hague, informs me that this date cannot be right, and that this of Oct. 5th must be the memorial meant.

6. Memorial to the States General; presented Dec. 3, 1621. Rijksarchief, Ha-

gue ; copy at Albany, Murphy papers, B. 1 : 3. Printed in Van Rees, ii., pp. 433-435. (Laspeyres 27 ; his 28 I cannot identify.)

7. Memorial to the States General ; presented Jan. 21, 1622. Rijksarchief, Hague ; copy at Albany, Murphy papers, B. 1 : 4. Printed by Van Rees, ii., pp. 435-440, who remarks in a foot-note : " Een gedeelte dezer memorie is bijna woordelijk overgenomen in het *Kort Berigt* achter het *Octroy* enz. van 1627." The passages referred to are on pp. 44, 45 of the *Argonautica*. (This and the next form Laspeyres' 48.)

8. Presentatie ende Eysch van Willem Wsselinx ; presented Jan. 22, 1622. Rijksarchief, Hague ; two copies at Albany, Murphy papers, A. 4, B. 1 : 8. Printed in Van Rees, ii., pp. 440-442.

9. Memorie voor mijnheere Vooght. Belangende 't versoucke van Wilhelm Wesselinx. Rijksarchief, Hague ; copy at Albany, Murphy papers, B. 1 : 8. Printed in Van Rees, ii., pp. 442-445. In note 137 I have shown that the date of this and the two succeeding documents is June, 1622 ; the order in which I give them is that in which they occur in the archives.

10. Memorie Willem Wesselinx—Voor de E. E. heeren de Gecommitteerde van hare Ho. Mo. over de saecken van West Indien. Rijksarchief, Hague ; copy at Albany, Murphy papers, B. 1 : 6. Printed in Van Rees, ii., pp. 445-447.

11. Memorie Willem Wesselinx Voor mijn heere Vooght. Rijksarchief, Hague ; copy at Albany, Murphy papers, B. 1 : 7. Printed in Van Rees, ii., pp. 447-453.

12. Memorial to the States General ; presented June 15, 1622. Rijksarchief, Hague ; copy at Albany, Murphy papers, B. 1 : 9. (Laspeyres 49.)

13. Memorial to the States General ; presented early in November, 1622. Rijksarchief, Hague ; copy at Albany, Murphy papers, this and the next, No. 14, designated B. 1 : 10. Printed in Van Rees, ii., pp. 453, 454. (Apparently this is Laspeyres' No. 50, though he gives it a date, Nov. 21, 1622.)

14. De voornaemste pointen daer 't Octroy mede moet geamplieert worden om tgelt te becomen tot de WestIndische Compaignie ; appendix to the preceding. Rijksarchief, Hague ; copy at Albany, Murphy papers, with preceding, B. 1 : 10. Printed in Van Rees, ii., pp. 455-461. (Laspeyres 51.)

15. Memorial to the States General ; presented Nov. 6, 1622. Rijksarchief, Hague ; copy at Albany, Murphy papers, B. 1 : 11.

16. Brief letter to the States General, apparently handed in with the following. Rijksarchief, Hague.

17. Memorial to the States General ; Hague, Feb. 24, 1623. Rijksarchief, Hague.

18. A document without heading or date, beginning " Nademael Godt Alm-aghtigh," etc., evidently a Dutch draft of " Manifest und Vertragbrieff," No. 12 of the printed works, *supra*, and therefore of the beginning of November, 1624. Oxenstjerna Samling, Riksarkiv, Stockholm.

19. A draft in Dutch of a charter. in 37 articles. for a General Trading Company; Elfsborg, Nov. 4, 1624. Oxenstjerna Samling, Riksarkiv, Stockholm. It is virtually identical with the charter issued June 14, 1626, and to be found in Dutch in Octroy, No. 20 of the printed works, *supra*.

20. A draft in Dutch of the commission of Dec. 21, 1624, to Usselinx. Riksarkiv, Stockholm. I suppose there is no doubt that these three Dutch drafts are by Usselinx. A copy of the last, in Swedish, "Fullmacht för Wellam Ussling, at inrätta ett General-Handels-Compagnie til Asien, Africa, America och Magellanica," is in the library of the Historical Society of Pennsylvania at Philadelphia; one in print, in the Royal Library at Stockholm.

21. Aenwysinge van den Coophandel Die wt het Coninckryck Sweden sal konnen gedreuen worden op Africa, Asia, America ende Magellanica door 't oprechten van een generale Comp:e; presented in the year 1624. Oxenstjerna Samling, Riksarkiv, Stockholm. A note at the end reads "Ick hebbe raetsaem geuonden, dit vertoog te laeten gelyck ick het ouer 17 Jaeren hebbe gestelt, om dat men te beter soude sien de kleyne veranderinge, die in dese saeke is gevallen sints dien tyt, ende dat nu soo wel ende beter kan int werck gestelt worden," etc. This would not leave it certain whether we have here a document written in 1624, and used again in 1641, on the return of Usselinx to Sweden; or whether it is one written in 1607 and used again in 1624. But several such references as that to Raleigh's voyage to Guiana indicate the former, if the statement of the final note is taken to be exact; and this is confirmed by finding in one of the notes a reference to the Argonautica.

22. Memorie Von [? voor] myn Heere Carel Bannier om Geldt in Vranckryck te bekomen tot de Suyder Compaignie; Stockholm, July 7, 1625. Oxenstjerna Saml., Riksarkiv, Stockholm.

23. Letter to the chancellor, Count Axel Oxenstjerna; Stockholm, July 11, 1625. Oxenstj. Saml., Riksarkiv, Stockholm.

24. Letter to the Chancellor; Stockholm, Aug. 20, 1625. Oxenstj. Saml., Riksarkiv, Stockholm.

25. Memorie van 't gene noch dient tot beuoorderinge vande Suyder Compaignie; apparently of the autumn of 1625. Oxenstj. Saml., Riksarkiv, Stockholm.

26. Memorie Hoe in dit Ryck Middelen sullen bekomen worden tot de Suyder Compaignie, ende waer toe sy voorderlyck is; perhaps of the year 1625. Oxenstj. Saml., Riksarkiv, Stockholm.

27. Memorie Tot beuoorderinge vande Suyder Compaignie; of about the autumn of 1625. Oxenstj. Saml., Riksarkiv, Stockholm.

28. Verscheyden Redenen dienende tot beuoorderinge vande Suyder Compaignie; of the latter part of 1625. Oxenstj. Saml., Riksarkiv, Stockholm.

29. Eenige bedenckinge tot beuoorderinge vande Suyder Comp:e; of about the spring of 1626. Oxenstj. Saml., Riksarkiv, Stockholm.

30. Letter to Chancellor Oxenstjerna ; Stockholm, Nov. 3, 1626. Oxenstj. Saml., Riksarkiv, Stockholm.

31. Letter to Gustavus Adolphus ; of the earlier half of 1627. (?) Riksarkiv, Stockholm.

32. Lyste Van die geteekent hebben inde Suyder Comp:e die ouer de Verkiezingen der Directoren mogen komen soo Volgens geteekent hebben ; apparently of the spring of 1628. Oxenstj. Saml., Riksarkiv, Stockholm.

33. Korte aenwysinghe vande groote Nutticheyt ende voordeelen die de Stadt Ryga kan trekken wt de Suyder Comp:e ; Riga, Jan. 4, 1628. Riksarkiv, Stockholm. This document was Exhibit B. to No. 40, below.

34. Korte aenwysinghe hoe de Stadt Revall met Godts hulpe soude kunnen gebracht worden tot haeren ouden fleur ende welstandt ; Reval, Feb. 7, 1628. Riksarkiv, Stockholm. This document was Exhibit D. to No. 40, below.

35. Bedenckinge van eenige besondere voordeelen die de Stadt Wyborgh ende geheel Finlandt, sal kunnen Trekken wt de Suyder Compaignie ; Viborg, Feb. 23, 1628. Riksarkiv, Stockholm. This document was Exhibit E. to No. 40, below.

36. Kårt förklaringh huadh besynnerligh fordell och profyt vthj Finlandh särdeles och i synnerheet dhenne Stadhen Abo, Aff dätte Södre Comp. hafua kan ; Abo, Mar. 9, 1628. Riksarkiv, Stockholm. This document was Exhibit F. to No. 40, below.

37. Korte aenwysinghe van eenighe besondere voordeelen die de Inwoonders van 't groot Vorstendom Finlandt ende Noortlanden connen trekken wt de Suyderlandsche Comp:e ; May, 1628. Riksarkiv, Stockholm. This document was Exhibit H. to No. 40, below.

38. Memorie van 't ghene byde Hoof Participanten moet versocht worden ; of May, June, or July, 1628. Riksarkiv, Stockholm. Exhibit I. to No. 40, below.

39. Memorie Willem Wsselinx Tot bevoorderinghe der Suyder Compaignie ; presented May 5, 1628. Riksarkiv, Stockholm. There appear to be three copies of this in the Riksarkiv ; one of them was exhibit A. to No. 40, below.

40. Letter to Chancellor Oxenstjerna ; Stockholm, July 19, 1628. Oxenstj. Saml., Riksarkiv, Stockholm.

41. Memorie Aen syn Genaede de Heer Ryckx Cancelier Tot bevoorderinghe der Suyderlandsche Compaignie ; Stockholm, July 19, 1628. Oxenstj. Saml., Riksarkiv, Stockholm.

42. Letter to Chancellor Oxenstjerna ; Stockholm, Oct. 13, 1628. Oxenstj. Saml., Riksarkiv, Stockholm.

Laspeyres in his bibliography gives as No. 75 a memorial of Usselinx to the States General, dated Apr. 22, 1630 ; (misprinted 1636, but placed under the year 1630) ; but Mr. van den Bergh informs me that this is in his opinion an error, no such memorial being found in the Rijksarchief.

43. Memorial to the States General ; Hague, Aug. 15, 1630. Oxenstj. Saml., Riksarkiv, Stockholm. This is the same memorial which is printed in the *Argonautica Gustaviana*, No. 26 of the printed books above, as appendix G. to the *Mercurius Germaniae*, pp. 41-48.

44. A draft in Dutch of a commission to Usselinx as commissioner for the business of the company in Germany ; probably of August or September, 1630. Riksarkiv, Stockholm.

45. *Bedencken vber die Schwedische Suyder Compagnia* (in German); probably of the year 1630. Oxenstj. Saml., Riksarkiv, Stockholm.

46. Letter to Chancellor Oxenstjerna ; Stralsund, Nov. 12, 1630. Oxenstj. Saml., Riksarkiv, Stockholm.

47. *Korte aenwysinge, hoe Pommerlandt ende voornemelyck de Stadt Straelsundt sullen kunnen gebracht worden tot haeren ouden fleur ende Welstandt ende den Coophandel, Seevaert, neeringe ende welstandt inde selve verbeteret* ; Stralsund, Dec. 30, 1630. Oxenstj. Saml., Riksarkiv, Stockholm.

48. *Naerder aenwysinge ouer de vermeederinge ende verbeteringe vanden Coophandel, Zeevaert ende Neeringe, in Pomerlandt, ende voornemelyck in dese Stadt Olden Stettin* ; Stettin, Sept. 7, 1631. Oxenstj. Saml., Riksarkiv, Stockholm.

49. *Memorie voor syn Ex:tie Myn Heere den Legaet Carel Bannier* ; Stettin, Oct. 3, 1631. Oxenstj. Saml., Riksarkiv, Stockholm.

50. *Kort verhael vande voorneemste pointen die ick hebbe bewesen, ende bereyt ben naerder te bewysen* ; written in Pomerania, probably in 1631. Oxenstj. Saml., Riksarkiv, Stockholm.

51. Letter to Chancellor Oxenstjerna ; Stettin, Dec. 19, 1631. Oxenstj. Saml., Riksarkiv, Stockholm.

52. *Letter to Chancellor Oxenstjerna, with postscript* ; Mainz, Apr. 3, 1632. Oxenstj. Saml., Riksarkiv, Stockholm.

53. *Artyckelen Die in het Octroy dienen geamplieert* ; apparently of 1632. Oxenstj. Saml., Riksarkiv, Stockholm.

54. *Aen syn Ex:tie Myn Heere den Ryckx Cantseler. Memorie, Aengaende de Suyder Compagnie* ; Würzburg, July 30, 1632. Oxenstj. Saml., Riksarkiv, Stockholm.

55. *Memorial oder Auszug etlicher Motiven, dadurch vornemblich die Teutsche Fürsten vndt Stände zubewegen die Newe Sueder Compagnia zu handthaben vndt zubefordern* ; presented at Heilbronn, in the spring of 1633. Oxenstj. Saml., Riksarkiv, Stockholm.

56. Brief memorial to Chancellor Oxenstjerna ; probably of May, 1633. Oxenstj. Saml., Riksarkiv, Stockholm.

57. A memorial, addressed to the town-council of Frankfort-on-the-Main ; Frankfort, Aug., 1633. Oxenstj. Saml., Riksarkiv, Stockholm.

58. Request or memorial to Chancellor Oxenstjerna ; Frankfort, Nov. 14, 1633. Oxenstj. Saml., Riksarkiv, Stockholm.

59. Briefue Declaration de la principale Cause, qui ma esmeu de venir en France ; Paris, Dec. 1, 1634. Oxenstj. Saml., Riksarkiv, Stockholm. Archives des Affaires Étrangères, Paris. Beside these two copies of mine, there is a copy of this among the Mickley papers in the library of the Historical Society of Pennsylvania.

60. Briefue Deduction par Laquelle est monstre qu'il seruira plus a la Grandeur, Gloire, Splendeur et profit du Roy et du Royaume de France, s'il plaict a sa Mag:té de permettre que ses Subiects entrent en la Compagnie Marchande du Sud ou Australe qui se dresse en Allemagne et Suede que si pareille Compagnie se dressat en France ; Paris, Feb. 13, 1635. Oxenstj. Saml., Riksarkiv, Stockholm.

61. Letter to Chancellor Oxenstjerna ; Hamburg, Sept. 4, 1635. Oxenstj. Saml., Riksarkiv, Stockholm.

62. Memorial Van 't gene moodich is, om te kommen tot een eyndlyck Slot vande Suyder Compagnie ; Stralsund, Nov. 9, 1635. Oxenstj. Saml., Riksarkiv, Stockholm.

63. Korte aenwysinghe van de nuttigheden ende voordeelen die dese Vereenigde landen sullen kunnen trecken, wt het oprechten van een nieuwe Suyder Compagnie ende derselver combinatie met de croon Sweden ; Hague, Apr. 21, 1636. Rijksarchief, Hague ; another contemporary copy is in the Oxenstj. Saml., Riksarkiv, Stockholm ; a modern copy is in the library of J. C. Brevoort, Esq., of Brooklyn. Van Rees, ii., p. 137, refers to the document as of date April 22, 1636 ; it is No. 87 in the bibliography of Laspeyres. Van Rees, ii., p. 138, mentions a letter of Usselinx accompanying this (see my foot-note No. 292) ; but the letter sent me from the Hague as an appendix to this is a quite different one, and not by Usselinx.

64. Letter to Chancellor Oxenstjerna ; Hague, Apr. 30, 1636. With postscript of May 9, 1636. Oxenstj. Saml., Riksarkiv, Stockholm.

65. Letter to Chancellor Oxenstjerna ; Hague, June 10, 1636. Oxenstj. Saml., Riksarkiv, Stockholm.

66. Letter to Chancellor Oxenstjerna ; Hague, Aug. 1, 1636. With postscripts of Aug. 29, and Sept. 12, 1636. Oxenstj. Saml., Riksarkiv, Stockholm.

67. Notitie van 't geene in't Coninckrijck Sweeden ende naburige landen is geteeckent ende ingewillicht tot de Suyder Compaignie ; Sept. 11, 1636. Rijksarchief, Hague. Printed, from a copy in the Hilten collection, in the Kronijk of the Historisch Genootschap te Utrecht, vol. xxix. (1873), pp. 135-140, with the title, Aanbod ten einde eene Zuider Compagnie op te richten met de Kroon Zweden ; Notitie van 't geene, etc., but with the date Sept. 15th, which, Mr. van den Bergh informs me, is incorrect ; that Sept. 11th is the true date is confirmed by a statement in the last postscript of No. 66, above.

68. Letter to Chancellor Oxenstjerna ; Hague, Oct. 4, 1636. Oxenstj. Saml., Riksarkiv, Stockholm.

69. A brief memorial to the States General, presented Oct. 8, 1636. Rijksarchief, Hague. This is the document to which Van Rees, ii., p. 139, notes 1 and 2, refers as of Oct. 9.

70. *Memorie voor de Heeren Gecommitteerde van Haere Ho. Mo. op de Saeken vande Suyder Compagnie*; Hague, Mar. 28, 1637. Rijksarchief, Hague. Printed in Van Rees, ii., pp. 460, 461. It is No. 94 in the Bibliography of Laspeyres.

71. Letter to Chancellor Oxenstjerna; Hague, Nov. 4, 1637. With appendix, *Extract wt het Register der Resolutien vande Ho. Mo. Heeren Staten Generael der Vereenigde Nederlanden*; Avis den 29 October 1637. Oxenstj. Saml., Riksarkiv, Stockholm.

72. Letter to Chancellor Oxenstjerna; Hague, Jan. 8, 1638. Oxenstj. Saml., Riksarkiv, Stockholm.

73. Letter to Chancellor Oxenstjerna; Hague, Apr. 2, 1638. Oxenstj. Saml., Riksarkiv, Stockholm.

74. *Bedenckingen ouer d'oprechten van een Generale handels Compagnie*; Hague, May 1, 1638. Oxenstj. Saml., Riksarkiv, Stockholm.

75. *Considerations sur l'Erection d'une Generale Compagnie Marchande sous Le nom de la Comp:e Australe*; Hague, May 1, 1638. Oxenstj. Saml., Riksarkiv, Stockholm. Translation of the preceding.

79. Letter to Johan Beyer, secretary of the Queen of Sweden; Hamburg, Mar. 16, 1639. Oxenstj. Saml., Riksarkiv, Stockholm.

76. *Octroy et Privileges de la Compagnie du Sud*; endorsed, Project, von S:r Vsseling mitt Mons:r d'Avau vndt H. Thomas Røe communiciret, Welcher gestalt eine Conjunctur zu wasser in fiem [form?] einer general handels Compagnie zwischen Schweden, Franckreich vndt Engellandt getroffen werden könnte; presented March 21, 1639. Oxenstj. Saml., Riksarkiv, Stockholm.

78. Letter to Chancellor Oxenstjerna; Hamburg, Aug. 24, 1639. Oxenstj. Saml., Riksarkiv, Stockholm.

79. Letter to the States General; Hamburg, Oct. 25, 1639. Rijksarchief, Hague. Some extracts from this are printed in the foot-notes of Van Rees, ii., p. 107 note 2, p. 141 note 2, p. 156 note 1.

80. Letter to the States General; Hamburg, Apr. 7, 1640. Rijksarchief, Hague.

81. Letter to the States General; Hamburg, Oct. 23, 1640. Rijksarchief, Hague. This, with the next following, is No. 112 in the bibliography of Laspeyres.

82. Letter to the States General; Hamburg, Apr. 9, 1641. Rijksarchief, Hague. With the preceding, it forms No. 112 in the bibliography of Laspeyres.

83. Memorial to Chancellor Oxenstjerna; probably of 1641. Oxenstj. Saml., Riksarkiv, Stockholm.

84. Staet ende Inkommen vande West Indische Compagnie by eenige particuliere wtgegeuen Anno 1640; Stockholm, Dec. 24, 1641. Oxenstj. Saml., Riksarkiv, Stockholm.

85. Relatie van myn verrichtinge op de reyse van Vlfersundt ende Vpsala; Stockholm, Feb. 2, 1642. Riksarkiv, Stockholm.

86. Memorial to Chancellor Oxenstjerna; Stockholm, Aug. 22, 1642. Oxenstj. Saml., Riksarkiv, Stockholm.

87. Request to the States General; of about July 1, 1644. Rijksarchief, Hague.

88. Memorie aenwysende tot wat eynde de West-Indische Compagnie opgericht ende tot haren aenvanck gebracht is, door verscheyden voorstellingen ende aenmaeningen aen Haer Ho. Mo., den prinse Maurits hooghloffelycker gedachtenis ende de provintien van Hollandt ende Zeelandt gedaen t sedert t jaer 1592-1623; Hague, Oct. 3, 1644. Rijksarchief, Hague; copy at Albany, Murphy papers, A. 6. Printed in Van Rees, ii., pp. 461-475, who, however, omits the preface. (Laspeyres 132.)

89. Memorie van t' gene ick onder andren tot nut ende voordeel van dese Vereenigde Nederlanden ende de goede ingesetenen van dien noch voor te dragen hebbe; Hague, Oct. 15, 1644. Rijksarchief, Hague; copy at Albany, Murphy papers, A. 7. Printed in Van Rees, ii., pp. 476-489. (Laspeyres 133.)

90. Naerder aenwysinge, to the States General; Hague, Jan. 16, 1645. Rijksarchief, Hague; copy at Albany, Murphy papers, A. 8. Mr. van den Bergh's communication gives this the date Jan. 6th, but as in the next memorial it is mentioned as of Jan. 16th, I retain the date which the Albany copy bears. (Laspeyres 136.)

91. Memorial to the States General; Hague, Mar. 27, 1645. Oxenstj. Saml., Riksarkiv, Stockholm.

92. Memorial to the States General; Hague, Apr. 13, 1645. Oxenstj. Saml., Riksarkiv, Stockholm.

93. Letter to Chancellor Oxenstjerna; Hague, Apr. 25, 1645. Oxenstj. Saml., Riksarkiv, Stockholm.

94. Letter to Johan Beyer, secretary of the Queen of Sweden; Hague, June 13, 1645. Oxenstj. Saml., Riksarkiv, Stockholm.

A fac-simile of the signature of Usselinx is given on p. 443 of the Narrative and Critical History of America, vol. iv.

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CHURCH AND STATE

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IN

THE UNITED STATES

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CHURCH AND STATE
IN
THE UNITED STATES

OR

THE AMERICAN IDEA OF RELIGIOUS LIBERTY AND ITS PRACTICAL EFFECTS

WITH OFFICIAL DOCUMENTS

BY

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PREFACE.

This little work is a contribution to American Church History, and to the Centennial Celebration of our National Constitution. It discusses that part of the Constitution which protects us against the despotism of a state church, and guarantees to us the free exercise and enjoyment of religion, as an inherent, inviolable, and inalienable right of every man. The First Amendment is the *Magna Charta* of that freedom, and well worthy to be set forth in its true light with its antecedents, surroundings, and effects at home and abroad. This I have endeavored to do, for the first time, from the stand-point of a church historian and theologian.

American Church History has yet to be written. We are so busy making history that we have little time to study and to write history. But monographs on sectional and local topics are multiplying fast, and already present a formidable mass of material for a comprehensive view of the whole field.

There is scarcely a more inviting task for a rising American historian than to exhibit from the broad platform of truth and justice, in life-like reproduction, the genesis and growth of American Christianity in its connections with the mother Christianity of Europe, its distinctive peculiarities, and its great mission for the future.

THE AUTHOR.

Union Theological Seminary, New York,
Nov. 24, 1887.

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CHURCH AND STATE IN THE UNITED STATES.

What is the distinctive character of American Christianity in its organized social aspect and its relation to the national life, as compared with the Christianity of Europe?

It is a FREE CHURCH IN A FREE STATE, or a SELF-SUPPORTING AND SELF-GOVERNING CHRISTIANITY IN INDEPENDENT BUT FRIENDLY RELATION TO THE CIVIL GOVERNMENT.

This relationship of church and state marks an epoch. It is a new chapter in the history of Christianity, and the most important one which America has so far contributed. It lies at the base of our religious institutions and operations, and they cannot be understood without it. And yet, strange to say, it has never received the treatment it deserves, either from the historical or the philosophical point of view, although it is often incidentally mentioned, especially in discussions of religion in the public schools. It seems to be regarded as a self-evident fact and truth which need no explanation and defence. I know of no ecclesiastical or secular history, or special treatise, which gives a satisfactory account of it; and the works on the Constitution of the United States touch only on the legal aspect of the religious clauses, or pass them by altogether.

THE AMERICAN THEORY.

The relationship of church and state in the United States secures full liberty of religious thought, speech, and action, within the limits of the public peace and order. It makes persecution impossible.

Religion and liberty are inseparable. Religion is voluntary, and cannot, and ought not to be forced.

This is a fundamental article of the American creed, without distinction of sect or party. Liberty, both civil and religious, is an American instinct. All natives suck it in with the mother's milk; all immigrants accept it as a happy boon, especially those who flee from oppression and persecution abroad. Even those who reject the modern theory of liberty enjoy the practice, and would defend it in their own interest against any attempt to overthrow it.

Such liberty is impossible on the basis of a union of church and state, where the one of necessity restricts or controls the other. It requires a friendly separation, where each power is entirely independent in its own sphere. The church, as such, has nothing to do with the state except to obey its laws and to strengthen its moral foundations; the state has nothing to do with the church except to protect her in her property and liberty; and the state must be equally just to all forms of belief and unbelief which do not endanger the public safety.

The family, the church, and the state are divine institutions demanding alike our obedience, in their proper sphere of jurisdiction. The family is the oldest institution, and the source of church and state. The patriarchs were priests and kings of their households. Church and state are equally necessary, and as inseparable as soul and body, and yet as distinct as soul and body. The church is instituted for the religious interests and eternal welfare of man; the state for his secular interests and temporal welfare. The one looks to heaven as the final home of immortal spirits, the other upon our mother earth. The church is the reign of love; the state is the reign of justice. The former is governed by the gospel, the latter by the law. The church exhorts, and uses moral suasion; the state commands, and enforces obedience. The church punishes by rebuke, suspension, and excommunication; the state by fines, imprisonment, and death. Both meet on questions of public morals, and both together constitute civilized human society and ensure its prosperity.

The root of this theory we find in the New Testament.

In the ancient world religion and politics were blended. Among the Jews religion ruled the state, which was a theocracy. Among the heathen the state ruled religion; the Roman emperor was the supreme pontiff (*pontifex maximus*), the gods were national, and the priests were servants of the state.

Christianity had at first no official connection with the state.

Christ directs us to render unto God the things that are God's, and unto Cæsar the things that are Cæsar's (Matt. xxii., 21). He paid the tribute money to the Jewish temple and obeyed the laws of Rome, but he refused to be a judge and divider of the inheritance of two brothers, as lying outside of the sphere of religion (Luke xii., 14). He declared before Pilate that his kingdom is not of this world (John xviii., 36), and rebuked Peter for drawing the sword, even in defence of his Master (John xviii., 11). When the Evil One tempted him with the possession of all the kingdoms of this world, he said unto him: "Get thee hence, Satan" (Matt. iv., 10). Secular power has proved a satanic gift to the church, and ecclesiastical power has proved an engine of tyranny in the hands of the state.¹ The apostles used only the spiritual weapons of truth and love in spreading the gospel of salvation. They enjoined obedience to the civil power, even under Nero (Rom. xiii., 1 : 7), but they would rather suffer imprisonment and death than obey even their own Jewish magistrate against the dictates of their conscience (Acts iv., 29).

If men had always acted on this principle and example, history would have been spared the horrors of persecution and religious wars.

For three hundred years the Christian church kept aloof from politics, and, while obeying the civil laws and paying

¹ The well-known lines of Dante ("Inferno," xix., 113-118) which refer to the fictitious donation of Constantine the Great, may be quoted here with a wider application :

"Ah, Constantine! of how much ill was mother,
Not thy conversion, but that marriage-dower
Which the first wealthy Pope received of thee."

tribute, maintained at the same time the higher law of conscience in refusing to comply with idolatrous customs and in professing the faith in the face of death. The early Apologists—Justin Martyr, Tertullian, Lactantius—boldly claimed the freedom of religion as a natural right.¹ When the first blood of heretics (the Priscillianists in Spain) was shed, in 385, the better feeling of the church, as expressed by Ambrose of Milan, and Martin of Tours, shrank from it in horror.²

THE AMERICAN SYSTEM COMPARED WITH OTHER SYSTEMS.

The American relationship of church and state differs from all previous relationships in Europe and in the colonial period of our history; and yet it rests upon them and reaps the benefit of them all. For history is an organic unit, and American history has its roots in Europe.

1. The American system differs from the ante-Nicene or pre-Constantinian separation of church and state, when the church was indeed, as with us, self-supporting and self-governing, and so far free within, but under persecution from without, being treated as a forbidden religion by the then heathen state. In America the government protects the church in her property and rights without interfering with her internal affairs. By the power of truth and the moral heroism of martyrdom the church converted the Roman Empire and became the mother of Christian states.

2. The American system differs from the hierarchical control of the church over the state, or from priest government, which prevailed in the Middle Ages down to the Reformation, and reached its culmination in the Papacy. It confines the church to her proper spiritual vocation, and leaves the state independent in all the temporal affairs of the nation. The hierarchical theory was suited to the times after the fall of the Roman Empire and the ancient civilization, when the state was a rude military despotism, when the church was

¹ Schaff, "Church History" (revised ed.), II. 35 *sq.*

² *Ibid.*, vol. III. 143.

the refuge of the people, when the Christian priesthood was in sole possession of learning and had to civilize as well as to evangelize the barbarians of northern and western Europe. By her influence over legislation the church abolished bad laws and customs, introduced benevolent institutions, and created a Christian state controlled by the spirit of justice and humanity, and fit for self-government.

3. The American system differs from the Erastian or Cæsaro-Papal control of the state over the church, which obtained in the old Byzantine Empire, and prevails in modern Russia, and in the Protestant states of Europe, where the civil government protects and supports the church, but at the expense of her dignity and independence, and deprives her of the power of self-government. The Erastian system was based on the assumption that all citizens are also Christians of one creed, but is abnormal in the mixed character of government and people in the modern state. In America, the state has no right whatever to interfere with the affairs of the church, her doctrine, discipline, and worship, and the appointment of ministers. It would be a great calamity if religion were to become subject to our ever-changing politics.

4. The American system differs from the system of toleration, which began in Germany with the Westphalia Treaty, 1648; in England with the Act of Toleration, 1689, and which now prevails over nearly all Europe; of late years, nominally at least, even in Roman Catholic countries, to the very gates of the Vatican, in spite of the protest of the Pope. Toleration exists where the government supports one or more churches, and permits other religious communities under the name of sects (as on the continent), or dissenters and nonconformists (as in England), under certain conditions. In America, there are no such distinctions, but only churches or denominations on a footing of perfect equality before the law. To talk about any particular denomination as *the* church, or *the American* church, has no meaning, and betrays ignorance or conceit. Such exclusiveness is natural and logical in Romanism, but unnatural, illogical, and contemptible in any other church. The American laws know no such institution

as "the church," but only separate and independent organizations.

Toleration is an important step from state-churchism to free-churchism. But it is only a step. There is a very great difference between toleration and liberty. Toleration is a concession, which may be withdrawn; it implies a preference for the ruling form of faith and worship, and a practical disapproval of all other forms. It may be coupled with many restrictions and disabilities. We tolerate what we dislike, but cannot alter; we tolerate even a nuisance if we must. Acts of toleration are wrung from a government by the force of circumstances and the power of a minority too influential to be disregarded. In this way even the most despotic governments, as those of Turkey and of Russia, are tolerant; the one toward Christians and Jews, the other toward Mohammedans and dissenters from the orthodox Greek Church; but both deny the right of self-extension and missionary operations except in favor of the state religion, and both forbid and punish apostasy from it. Prince Gortschakoff, the late chancellor of the Russian Empire, before an international deputation of the Evangelical Alliance, pleading for religious freedom in behalf of the persecuted Lutherans of the Baltic provinces in 1871, boldly declared, within my hearing, that Russia was the most tolerant country in the world, and pointed in proof to half a dozen churches of different denominations in the principal street of St. Petersburg, but protested at the same time against what he called propagandism. The great Russian statesman did not, or would not understand the vast difference between toleration and liberty. The English Lord Stanhope, in a speech in the House of Lords in 1827, on the Bill for the Repeal of the Test and Corporation Acts, said: "The time was, when toleration was craved by dissenters as a boon; it is now demanded as a right; but a time will come when it will be spurned as an insult."

In our country we ask no toleration for religion and its free exercise, but we claim it as an inalienable right. "It is not toleration," says Judge Cooley, "which is established in

our system, but religious equality." Freedom of religion is one of the greatest gifts of God to man, without distinction of race and color. He is the author and lord of conscience, and no power on earth has a right to stand between God and the conscience. A violation of this divine law written in the heart is an assault upon the majesty of God and the image of God in man. Granting the freedom of conscience, we must, by logical necessity, also grant the freedom of its manifestation and exercise in public worship. To concede the first and to deny the second, after the manner of despotic governments, is to imprison the conscience. To be just, the state must either support all or none of the religions of its citizens. Our government supports none, but protects all.

5. Finally—and this we would emphasize as especially important in our time,—the American system differs radically and fundamentally from the infidel and red-republican theory of religious freedom. The word freedom is one of the most abused words in the vocabulary. True liberty is a positive force, regulated by law; false liberty is a negative force, a release from restraint. True liberty is the moral power of self-government; the liberty of infidels and anarchists is carnal licentiousness. The American separation of church and state rests on respect for the church; the infidel separation, on indifference and hatred of the church, and of religion itself.

The infidel theory was tried and failed in the first Revolution of France. It began with toleration, and ended with the abolition of Christianity, and with the reign of terror, which in turn prepared the way for military despotism as the only means of saving society from anarchy and ruin. Our infidels and anarchists would re-enact this tragedy if they should ever get the power. They openly profess their hatred and contempt of our Sunday-laws, our Sabbaths, our churches, and all our religious institutions and societies. Let us beware of them! The American system grants freedom also to irreligion and infidelity, but only within the limits of the order and safety of society. The destruction of religion would be the destruction of morality and the ruin of the

state. Civil liberty requires for its support religious liberty, and cannot prosper without it. Religious liberty is not an empty sound, but an orderly exercise of religious duties and enjoyment of all its privileges. It is freedom *in* religion, not freedom *from* religion ; as true civil liberty is freedom *in* law, and not freedom *from* law. Says Goethe :

*“ In der Beschränkung erst zeigt sich der Meister,
Und das Gesets nur kann dir Freiheit geben.”*

Republican institutions in the hands of a virtuous and God-fearing nation are the very best in the world, but in the hands of a corrupt and irreligious people they are the very worst, and the most effective weapons of destruction. An indignant people may rise in rebellion against a cruel tyrant ; but who will rise against the tyranny of the people in possession of the ballot-box and the whole machinery of government ? Here lies our great danger, and it is increasing every year.

Destroy our churches, close our Sunday-schools, abolish the Lord's Day, and our republic would become an empty shell, and our people would tend to heathenism and barbarism. Christianity is the most powerful factor in our society and the pillar of our institutions. It regulates the family ; it enjoins private and public virtue ; it builds up moral character ; it teaches us to love God supremely, and our neighbor as ourselves ; it makes good men and useful citizens ; it denounces every vice ; it encourages every virtue ; it promotes and serves the public welfare ; it upholds peace and order. Christianity is the only possible religion for the American people, and with Christianity are bound up all our hopes for the future.

This was strongly felt by Washington, the father of his country, “ first in war, first in peace, and first in the hearts of his countrymen ” ; and no passage in his immortal farewell address is more truthful, wise, and worthy of constant remembrance by every American statesman and citizen than that in which he affirms the inseparable connection of religion with morality and national prosperity.

THE CONSTITUTIONAL BASIS OF THE AMERICAN SYSTEM.

The legal basis of American Christianity in its relation to the civil government is laid down in the Constitution of the United States, which this year enters upon its second centennial.

This great document was framed after the achievement of national independence in a convention of delegates from twelve of the original States (all except Rhode Island), in the city of Philadelphia, between May 14th and September 17, 1787, by the combined wisdom of such statesmen as Hamilton, Madison, King, Morris, Sherman, Dickinson, Pinckney, Franklin, under the presiding genius of Washington. It was ratified by eleven States before the close of the year 1788, and went into operation in March, 1789.¹ It was materially improved by ten amendments, which were recommended by several States as a guarantee of fundamental rights, proposed by the first Congress in 1789-90, and adopted in 1791. To these were subsequently added five new amendments, namely: Article XI. in 1793; Article XII. in 1803; Article XIII. in 1865; Article XIV. in 1868; Article XV. in 1870. The last three are the result of the civil war, and forbid slavery, declare the citizenship of all persons born or naturalized in the United States, and secure the right of citizens to vote irrespective "of race, color, or previous condition of servitude."

¹ Delaware (Dec. 7, 1787), New Jersey (Dec. 18, 1787), Georgia (Jan. 2, 1788), and Maryland (April 28, 1788) ratified the Constitution unanimously and unconditionally; Pennsylvania (Dec. 12, 1787), with a majority of 15 (45 out of 60); Connecticut (Jan. 9, 1788), with a majority of 88 (128 against 40); Massachusetts (Feb. 7, 1788), by a vote of 187 to 168; South Carolina (May 23, 1788), with three recommendations; Virginia (July 26, 1788), by a majority of 10 (89 to 79), and with a declaration of a bill of rights; New Hampshire (June 21, 1788), with twelve alterations and provisions; New York (July 26, 1788), with a majority of only three (30 to 27). The remaining two States adopted the Constitution afterward—North Carolina, November 21, 1789; Rhode Island, May 29, 1790. During the deliberations for its adoption, it was ably defended by Alexander Hamilton, of New York, James Madison, of Virginia, and John Jay, of New York, in *The Federalist* (1787 to 1788), against the attacks of the anti-Federalists—newly edited by John C. Hamilton, Philadelphia (Lippincott & Co.), 1873, (659 pages). Another edition by Henry B. Dawson, New York, 1878 (615 pages). But *The Federalist* is silent on the subject of religion.

This Constitution, including the fifteen amendments, is "the supreme law of the land,"—that is, of all the States and Territories belonging to the United States. It expresses the sovereign will and authority of the people, which, under God, is the source of civil power and legislation in a free country. It can only be altered and amended by the same authority. Experience has proved its wisdom and deepened the attachment to its provisions. And, having stood the fiery ordeal of a gigantic civil war, it may be considered safe and sound for generations to come. Although by no means perfect, it is the best that could be made for this western republic by its thirty-nine framers, whom Alexander Hamilton Stephens (the Vice-President of the late Southern Confederacy) calls "the ablest body of jurists, legislators, and statesmen that has ever assembled on the continent of America."¹ Most of them were conspicuous for practical experience in statesmanship and for services to the cause of liberty; and they had the great advantage of drawing lessons of wisdom from the various State Constitutions, the Articles of Confederation, the British Constitution, the Swiss and Dutch Confederacies, as well as from ancient Greece and Rome. Their patriotism had been tried in the furnace of the War of Independence. James Madison, afterwards President of the United States, who preserved for posterity the debates of the Convention, gives it as his profound conviction, "that there never was an assembly of men, charged with a great and arduous trust, who were more pure in their motives, or more exclusively or anxiously devoted to the object committed to them, than were the members of the Federal Convention of 1787, to the object of devising and proposing a constitutional system which should best supply the defects of that which it was to replace, and best secure the permanent liberty and happiness of their country."²

¹ In Johnson's "Universal Cyclop.," revised edition, II. 243.

² In Jonathan Elliot's "Debates of the Several State Conventions on the Adoption of the Constitution," vol. V., p. 122. This and the following quotations are from the second and enlarged edition of this important work, published by Lippincott, Philadelphia, 1876, in 5 vols. The first edition, in 4 vols.,

The sessions were secret. The difficulties were serious: jealousies between the larger and smaller, the Northern and Southern States; differences of opinion concerning the continuation or prohibition of the African slave-trade; the nature and extent of the executive, legislative, and judicial departments of the general government; and especially the power of the United States in relation to the separate States. At times, conciliation of the conflicting interests seemed hopeless, and it was during one of those periods of gloom that Dr. Franklin, then eighty-one years of age, read his remarkable speech in advocacy of seeking wisdom from the Almighty hearer of prayer.

But after four months of patient deliberation and mutual concession, the Constitution was matured and duly signed by all the delegates. It was by no means entirely new, but borrowed wisdom from the experience of the past as laid down in British and American documents of tried statesmanship and legislation; and it is all the better for it. With this qualification we may accept the eulogy of W. E. Gladstone, one of the most learned of English statesmen, who calls the American Constitution "the most wonderful work ever struck off at a given time by the brain and purpose of man."¹ Cardinal Gibbons, of Baltimore, in accepting the invitation to attend the centennial celebration of the Constitution at Philadelphia, September, 1887, says: "The Constitution of the United States is worthy of being written in

appeared in Washington, 1830. The fifth volume contains Madison's diary of the debates in the Federal Convention, of which he was the most regular attendant and one of the most influential members. "The Madison Papers," purchased by order of Congress after his death, in his eighty-fifth year (June 28, 1836), were first published by Henry D. Gilpin, Washington, 1840, in 3 vols. The Debates of the Federal Convention are contained in vols. II. and III., and the passage quoted above is in vol. II., p. 718 *sq.*, at the close of his introduction to the Debates.

¹ Or, as he more recently expressed it: "The most remarkable work known to the modern times to have been produced by human intellect at a single stroke, so to speak, in its application to political affairs." See his letter of July 20, 1887, declining, for good reasons, a most flattering invitation to attend the centennial celebration of the Constitution, as the guest of the American people. And yet Gladstone doubted the success of the Union in the civil war.

letters of gold. It is a charter by which the liberties of sixty millions of people are secured, and by which, under Providence, the temporal happiness of countless millions yet unborn will be perpetuated.”¹ Justice Miller, in his memorial oration (September 17, 1887), finds the chief characteristic of the Constitution in this: That “it is the first successful attempt in the history of the world to lay the deep and broad foundations of a government for millions of people and an unlimited territory in a single written instrument, framed and adopted in one great national effort. This instrument comes nearer than any of political origin to Rousseau’s idea of a society founded on a social contract. In its formation, States and individuals, in the possession of equal rights—the rights of human nature common to all,—met together and deliberately agreed to give up certain of those rights to government for the better security of others; and that there might be no mistake about this agreement it was reduced to writing, with all the solemnities which give sanction to the pledges of mankind.”

ABOLITION OF RELIGIOUS TESTS.

Two provisions in this Constitution bear on the question of religion, and secure its freedom and independence.

1. The Constitution declares, in Article VI., § 3, that all senators and representatives of the United States, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, “shall be bound, by oath or affirmation, to support this Constitution: *but no religious test shall ever be required as a qualification to any office or public trust under the United States.*”²

This is negative, and excludes the establishment of any particular church or denomination as the national religion.

¹ Cardinal Gibbons made the concluding, Bishop Potter, of New York, the opening prayer at the celebration of September 17, 1887.

² I give the text and punctuation as in the original copy in the Department of State at Washington. Elliot’s “Debates,” I. 5.

It secures the freedom and independence of the State from ecclesiastical domination and interference.

The clause was proposed by Charles Pinckney, of South Carolina. Roger Sherman "thought it unnecessary, the prevailing liberality being a sufficient security against such tests." Gouverneur Morris of Pennsylvania, and General Charles Cotesworth Pinckney of South Carolina approved the motion, whereupon "the motion was agreed to, *nem. con.*, and then the whole article. North Carolina only, no; and Maryland divided."¹ The clause, however, as we shall see, met with considerable objection afterwards in Massachusetts and North Carolina.

Religious tests, whether of dogma or worship, were used by despotic governments, especially in England under the Stuarts, as means of excluding certain classes of persons, otherwise qualified, from public offices and their emoluments. Blackstone defends such tests as means of self-preservation, but is opposed to prosecution.² They were enforced in all American colonies, except in Rhode Island. The early settlers came from Europe to seek freedom for themselves, and then inconsistently denied it to others, from fear of losing the monopoly. In Massachusetts, Congregationalists had exclusive control; in Virginia the Church of England, for a century and a half. Even in the Quaker colony of Pennsylvania toleration was limited by the Toleration Act of 1689, contrary to the design of William Penn; and all legislators, judges, and public officers had to declare and

¹ This is the information on the subject given by Madison in the "Debates of the Federal Convention," in the fifth and last vol. of Elliot's "Debates," p. 498. In the official "Journal of the Federal Convention," Elliot, vol. I., p. 277, it is simply stated that the clause, "but no religious test," etc., passed unanimously in the affirmative.

² "Commentaries on the Laws of England," Book IV. 59 and 439. Blackstone advocates limited toleration, and says (IV. 52): "Certainly our ancestors were mistaken in their plans of compulsion and intolerance. The sin of schism, as such, is by no means the object of temporal coercion and punishment. . . . The magistrate is bound to protect the established church. . . . But, this point being once secured, all persecution for diversity of opinions, however ridiculous or absurd they may be, is contrary to every principle of sound policy and civil freedom."

subscribe their disbelief in transubstantiation, the adoration of the Virgin Mary and other saints, and the sacrifice of the Romish mass, as "superstitious and idolatrous," and their belief in the Holy Trinity and the divine inspiration of the Holy Scriptures. This test was in force from 1703 till the time of the Revolution, when, through the influence of Benjamin Franklin, it was removed from the State Constitution framed by the Convention of 1776. In Rhode Island, the Roman Catholics were deprived for a time of the right of voting, but this disqualification was no part of the original colonial charter, and is inconsistent with "the soul-liberty" of Roger Williams, the founder of that State.

The framers of the Federal Constitution, remembering the persecution of dissenters and nonconformists in the mother country and in several American colonies, cut the poisonous tree of persecution by the root, and substituted for specific religious tests a simple oath or solemn affirmation.

The discontent with state-churchism and its injustice toward dissenting convictions was one of the remote causes of the American Revolution.

THE FIRST AMENDMENT TO THE CONSTITUTION.

2. More important than this clause is the first amendment, which may be called the Magna Charta of religious freedom in the United States.¹

The first amendment provides that "*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.*"

This amendment is positive and protective, and consti-

¹ It is a serious defect of the two best histories of the American Constitution by George Ticknor Curtis (New York, Harper & Bro., 1854 and 1858, 2 vols.), and by George Bancroft (New York, D. Appleton & Co., third ed., 1883, 2 vols.), that they do not embrace a history of the amendments, which for our purpose is the most important.

tutes a bill of rights. It prevents not only the establishment of a particular church, as the exclusive state-religion, but it expressly guarantees at the same time to all the churches the full liberty of religion in its public exercise, and forbids Congress ever to abridge this liberty. Religious liberty is regarded as one of the fundamental and inalienable rights of an American citizen, and is associated with the liberty of speech and of the press, the right of peaceable assembly and of petition.

A large number of the most valuable provisions of the Magna Charta, which the clergy, the barons, and freemen of England wrung from the despotism of King John in 1215, and of the Bill of Rights, which was enacted against the despotism of the Stuarts in 1688, consist of the solemn recognitions of limitations upon the power of the Crown and the power of Parliament, such as the writ of habeas corpus, the right of trial by jury, the protection of life, liberty, and property from arbitrary spoliation, the right of petition, the right to bear arms, freedom of commerce. Several of these provisions are literally inserted among the amendments to our Constitution. But it was left for America to abolish forever the tyranny of a state-religion, and to secure the most sacred of all rights and liberties to all her citizens—the liberty of religion and the free exercise thereof.

The United States furnishes the first example in history of a government deliberately depriving itself of all legislative control over religion, which was justly regarded by all older governments as the chief support of public morality, order, peace, and prosperity. But it was an act of wisdom and justice rather than self-denial. Congress was shut up to this course by the previous history of the American colonies and the actual condition of things at the time of the formation of the national government. The Constitution did not create a nation, nor its religion and institutions. It found them already existing, and was framed for the purpose of protecting them under a republican form of government, in a rule of the people, by the people, and for the people.

Nearly all the branches of the Christian Church were then represented in America. New England was settled by Congregationalists; Virginia, the Carolinas, and Georgia, by Episcopalians; New York, by Dutch Reformed, followed by Episcopalians; Rhode Island, by Baptists; Pennsylvania, by Quakers; Maryland, by Roman Catholics; while Presbyterians, Methodists, Lutherans, German Reformed, French Huguenots, Moravians, Mennonites, etc., were scattered through several colonies. In some States there was an established church; in others the mixed system of toleration prevailed. The Baptists and Quakers, who were victims of persecution and nurslings of adversity, professed full religious freedom as an article of their creed. All colonies, with the effectual aid of the churches and clergy, had taken part in the achievement of national independence, and had an equal claim to the protection of their rights and institutions by the national government.

The framers of the Constitution, therefore, had no right and no intention to interfere with the religion of the citizens of any State, or to discriminate between denominations; their only just and wise course was to leave the subject of religion with the several States, to put all churches on an equal footing before the national law, and to secure to them equal protection. Liberty of all is the best guarantee of the liberty of each.

North America was predestined from the very beginning for the largest religious and civil freedom, however imperfectly it was understood by the first settlers. It offered a hospitable home to emigrants of all nations and creeds. The great statesmen of the Philadelphia Convention recognized this providential destiny, and adapted the Constitution to it. They could not do otherwise. To assume the control of religion in any shape, except by way of protection, would have been an act of usurpation, and been stoutly resisted by all the States.

Thus Congress was led by Providence to establish a new system, which differed from that of Europe and the Colonies, and set an example to the several States for imitation.

THE ACTION OF THE STATE CONVENTIONS AND THE
ORIGIN OF THE FIRST AMENDMENT.

The conventions of the several States, which were held in 1787 and 1788 for the ratification of the Federal Constitution, reflect the conflicting sentiments then entertained on the question of religious tests. At present nobody doubts the wisdom of that clause in the Constitution which removes such tests. "No provisions of the Constitution of the United States are more familiar to us," says a learned American historian,¹ "and more clearly express the universal sentiment of the American people, or are in more perfect harmony with the historic consciousness of the nation, than those which forbid the national government to establish any form of religion or to prescribe any religious test as a qualification for office held under its authority. Almost every other general principle of government embodied in that instrument has been discussed and argued about, and its application in particular cases resisted and questioned, until the intention of those who framed it seems lost in the Serbonian bog of controversy; yet no one has ever denied the rightfulness of the principle of religious liberty laid down in the Constitution."

But before the adoption of that instrument there was a wide difference of opinion on this, as well as on other articles. The exclusion of religious tests from qualification for public office under the general government was opposed in those States which required such tests, under the apprehension that without them the federal government might pass into the hands of Roman Catholics, Jews, and infidels. Even the Pope of Rome, said a delegate from North Carolina, might become President of the United States! On the other hand, several States, while adopting the Constitution, proposed amendments guaranteeing religious freedom and other fundamental rights.

The opposition to the abolition of religious tests was strongest in Massachusetts, where Congregationalism was

¹ Dr. Charles Stillé, "Religious Tests in Provincial Pennsylvania." A paper read before the Historical Society of Pennsylvania, November 9, 1885.

the established church. Major Lusk, a delegate to the convention of that State, "shuddered at the idea that Romanists and pagans might be introduced into office, and that Popery and the Inquisition may be established in America.¹" But the Rev. Mr. Backus, in answer to this objection, remarked: "Nothing is more evident, both in reason and the Holy Scriptures, than that religion is ever a matter between God and individuals; and, therefore, no man or men can impose any religious test without invading the essential prerogatives of our Lord Jesus Christ. . . . Imposing of religious tests has been the greatest engine of tyranny in the world. . . . Some serious minds discover a concern lest if all religious tests should be excluded the Congress would hereafter establish Popery or some other tyrannical way of worship. But it is most certain that no such way of worship can be established without any religious tests."² The same clergyman spoke strongly against slavery, which "grows more and more odious in the world," and expressed the hope that, though it was not struck with apoplexy by the proposed Constitution, it would die with consumption by the prohibition of the importation of slaves after a certain date (1808). The Rev. Mr. Shute was equally pronounced in his defence of the clause. "To establish a religious test,"³ he said, "as a qualification for offices would be attended with injurious consequences to some individuals, and with no advantage to the whole. . . . Unprincipled and dishonest men will not hesitate to subscribe to any thing. . . . Honest men alone, however well qualified to serve the public, would be excluded by the test, and their country be deprived of the benefit of their abilities. In this great and extensive empire there is, and will be, a great variety of sentiments in religion among its inhabitants. . . . Whatever answer bigotry may suggest, the dictates of candor and equity will be: no religious tests. . . . I believe that there are worthy characters among men of every denomination—among Quakers, Baptists, the Church of England.

¹ Elliot's "Debates," vol. II. 148. ² *Ibid.*, II. 148 sq.

³ *Ibid.*, II. 118 sq.

the Papists, and even among those who have no other guide in the way of virtue and heaven than the dictates of natural religion. . . . The Apostle Peter tells us that God is no respecter of persons, but, in every nation, he that feareth him and worketh righteousness is acceptable to him. And I know of no reason why men of such a character, in a community of whatever denomination in religion, *cæteris paribus*, with other suitable qualifications, should not be acceptable to the people, and why they may not be employed by them with safety and advantage in the important offices of government." The Rev. Mr. Payson spoke in the same strain, and insisted that "human tribunals for the consciences of men are impious encroachments upon the prerogatives of God."¹ It is very evident that these Congregational ministers of the gospel represented the true American spirit in the convention, rather than Major Lusk and Colonel Jones, who favored religious tests. The Convention of Massachusetts ratified the Constitution, February 7, 1788, by a majority of 19 (187 to 168), with proposition of 9 alternatives and provisions which, however, do not include religious liberty, unless it be implied in the first proposition: "That it be explicitly understood that all powers not expressly delegated by the aforesaid Constitution are reserved to the several States to be by them exercised."

In the Convention of North Carolina, held July, 1788, the same fear was expressed, that, without some religious tests, Jews, infidels, and Papists might get into offices of trust, but Mr. Iredell said, that "under the color of religious tests the utmost cruelties have been exercised," and that America has set an example "of moderation and general religious liberty. Happily no sect here is superior to another. As long as this is the case, we shall be free from those persecutions with which other countries have been torn." Among the twenty amendments proposed by North Carolina as a "declaration of rights," and put on record, the last is this, which literally agrees with one proposed by Virginia :

¹ *Ibid.*, ii. 120.

"That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and, therefore, all men have an equal, natural, and unalienable right to the free exercise of religion, according to the dictates of conscience; and that no particular religious sect or society ought to be favored or established by law in preference to others."¹

North Carolina did not ratify the Constitution till November 21, 1789.

In Virginia the exclusion of religious tests was regarded by the advanced liberal party as quite insufficient, and a more explicit guarantee against the establishment of a religion was demanded. In that State the Church of England had been disestablished, and full liberty secured to all forms of belief, by an act of October, 1785, two years before the framing of the Federal Constitution.²

This act was brought about by the combined influence of the dissenters (Presbyterians, Baptists, Quakers, etc.), who formed at that time two thirds of the population, and the political school of Jefferson, who was of Episcopalian descent, but had early imbibed the Voltaireian philosophy of toleration, and during his residence in Paris (1784-1789) had intimately associated with the leaders of French infidelity. He composed the Declaration of Independence (1776), but had nothing to do with the framing of the Federal Constitution (being then absent in France). He was opposed to centralization, both as Secretary of State, in Washington's first cabinet, and, with more moderation, as President. He founded the Anti-Federalist party and the State Rights theory, which afterwards logically developed into the Nullifica-

¹ Elliot, vol. iv. 242, 244. Comp. p. 192, and iii. 659.

² That act, after fully setting forth strong arguments against state-churchism and intolerance, declares: "*Be it therefore enacted by the General Assembly, that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.*" "Collection of the Laws of Virginia by W. W. Hening," vol. xii. p. 84 (Richmond, 1823). Ten years before, in 1776, the oppressive acts against dissenters had been repealed.

tion theory of Calhoun, and the Secession theory of Jefferson Davis, but he differed from his southern successors by his decided opposition to the institution of slavery. He was no member of the Convention of Richmond in 1788, but his influence was thrown against the adoption of the Constitution without "a declaration of rights which shall stipulate freedom of religion, freedom of the press, freedom of commerce against monopolies, trial by juries in all cases, no suspensions of the habeas corpus, no standing armies."¹ Patrick Henry, also, who was a member of that Convention, violently opposed the adoption of the Constitution without a bill of rights.² On the guarantee for freedom of religion, all parties of Virginia were agreed, except that some of the leading men, including Washington and Patrick Henry, favored the taxing of the people for the support of some church of their preference. The Convention, therefore, recommended to Congress, among other amendments, the following :

¹ See his letter to A. Donald, dated Paris, Febr. 7, 1788, in "The Writings of Th. Jefferson" (N. York, 1853), vol. ii. 355. In a letter to the Danbury Baptist Association, Jan. 1, 1802, he expressed his great satisfaction with the First Amendment. "Believing with you," he says, "that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people, which declared that their legislature should 'make no law, respecting an establishment of religion or prohibiting the free exercise thereof,' thus building a wall of separation between church and state." Vol. viii. 113. His gives his views on religious freedom in his "Notes on the State of Virginia," 1787, Ch. 17. Comp. Randall's "Life of Thomas Jefferson," vol. iii. 553-558. Jefferson was a Unitarian, but he generally attended the Episcopal church, carried his prayer-book, and joined in the responses. He contributed liberally to churches, Bible societies, and other religious objects. See Randall, iii. 555. He concludes his first inaugural, March 4, 1801, with the prayer: "May that infinite Power which rules the destinies of the universe, lead our councils to what is best, and give them a favorable issue for our peace and prosperity." And in the course of his address he alludes to our "benign religion" and the "overruling Providence," as the best security of our happiness and prosperity. This is very vague, indeed, but there are few Christian rulers of modern Europe who go even so far in their official utterances.

² See his speeches in Elliot, iii. 593 *seq.*

"That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men have an equal, natural, and unalienable right to the free exercise of religion, according to the dictates of conscience, and that no particular religious sect or society ought to be favored or established by law in preference to others."¹

This amendment is substantially a repetition of article 16th in the "Declaration of Rights," which was prepared by Thomas Jefferson, and unanimously adopted by the Legislature of Virginia, June 12, 1776 (several weeks before the Declaration of Independence, July 4, 1776), and reads as follows:

"That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity, towards each other."²

New Hampshire proposed twelve alterations, the eleventh of which is:

"Congress shall make no laws touching religion, or to infringe the rights of conscience."³

The Convention of New York, held in Poughkeepsie, June 17-July 26, 1788, adopted the Constitution after excited debates, in which Governor Clinton, Alexander Hamilton, Robert R. Livingston, John Jay, Melancthon Smith, and Mr. Lansing took prominent part, with a majority of only three (30 to 27), and with sundry recommendations and principles, among which is this:

"That the people have an equal, natural, and unalienable right freely and peaceably to exercise their religion according to the dictates of conscience; and that no religious sect or society ought to be favored or established by law in preference to others."⁴

The State of New York had virtually disestablished the Episcopal Church in 1777, one year after the Declaration of Independence, by repealing, in its constitution, all statutes and acts of the colony which "might be construed to estab-

¹ Elliot, iii. 659.

² Hening's "Collection of the Laws of Virginia," vol. ix. p. 111. The words "are equally entitled," were changed into "have an equal, natural, and unalienable right," and the same phraseology was used by the North Carolina, New York, and Rhode Island Conventions. I am unable to trace its precise origin.

³ Elliot, i. 326.

⁴ Elliot, i. 328.

lish or maintain any particular denomination of Christians and their ministers"; and it ordained that "the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed within this State to all mankind."¹

Pennsylvania ratified the Constitution December 12, 1787, by a majority of fifteen, but the dissenting minority, failing to secure a new national convention, issued an address to their constituents, called "Reasons of Dissent," etc., in which fourteen amendments were proposed, the first being a guarantee of religious freedom in these words:

"The right of conscience shall be held inviolable, and neither the legislative, executive, nor judicial powers of the United States shall have authority to alter, abrogate, or infringe any part of the constitutions of the several States, which provide for the preservation of liberty in matters of religion."²

Rhode Island was the last to ratify the Constitution, May 29, 1790, and then only with a prefatory declaration of eighteen principles, the fourth of which is in almost verbal agreement with the declaration of Virginia as follows:

"That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, and not by force and violence; and therefore all men have a natural, equal, and unalienable right to the exercise of religion according to the dictates of conscience; and that no particular religious sect or society ought to be favored or established, by law, in preference to others."³

To the ratification were added seventeen amendments as recommendations, but religious liberty is not included.

The First Congress of the United States met under the Constitution March 4, 1789. In the session of June 8th, the House of Representatives, on motion of James Madison, of Virginia, took into consideration the amendments to the Constitution desired by several States, and resolved itself into a committee of the whole. After much useless debate, Mr. Madison moved the appointment of a select committee to report proper amendments, and supported it by a long

¹ See Murray Hoffman, "Ecclesiast. Law of the State of New York." N. Y. 1868, p. 40.

² "The Reasons of Dissent" were published, Philadelphia, Dec. 12, 1787, and reprinted in Carey's "American Museum," vol. ii. No. V. pp. 536-553.

³ *Elliot*, i. 334.

and strong speech, urging as a reason chiefly the duty of Congress to remove all apprehensions of an intention to deprive the people "of the liberty for which they valiantly sought and honorably bled." "I believe," he said, "that the great mass of the people who opposed the Constitution disliked it because it did not contain effectual provisions against encroachments on particular rights, and those safeguards which they have been long accustomed to have interposed between them and the magistrate who exercises the sovereign power; nor ought we to consider them safe, while a great number of our fellow-citizens think these securities necessary." He then proposed nine amendments, and among these the following, which bears directly on our subject:

"Fourthly, That in article I., section 9, between clauses 3 and 4, be inserted these clauses, to wit: The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed."

Under the same head Madison mentioned the guarantees of the freedom of speech and the press, and the right to petition, which are included in the First Amendment as it now stands.

Much opposition was made to such amendments, chiefly on the ground that they were unnecessary in a free republic. In the session of July 21st a select committee of representatives of the eleven States which had adopted the Constitution, consisting of Messrs. Vining, Madison, Baldwin, Sherman, Burke, Gillman Cymer, Benson, Goodhue, Boudinot, and Gale, was appointed "to take the subject of amendments to the Constitution of the United States generally into their consideration, and to report thereupon to the House."

The report was discussed and amended. On August 24, 1789, the House adopted a series of amendments and ordered the clerk to send them to the Senate, which agreed to some, and objected to others. The two Houses came to an agreement on the 25th of September, 1789.¹

¹ The authority for these statements on the proceedings of the First Congress bearing on our subject, see in the "Annals of Congress" (ed. by Jos. Gales), Washington, 1834, vol. i. pp. 440 *sqq.*; 443 *sqq.*; 685-692; 699; 730 *sqq.*;

Congress accordingly sent twelve amendments to the Legislatures of the several States for ratification, three fourths being necessary for the purpose.¹ The first two, relating to the number of representatives (Art. I.), and to compensation for services of the senators and representatives (Art. II.), were rejected by some, the other ten were duly ratified by all the Legislatures except those of Massachusetts, Connecticut, and Georgia, which made no returns, and by silence gave consent.²

796 sqq. 758. On page 951 the "Annals" report: "A message from the Senate informed the House that the Senate agree to the amendment proposed by this House to their amendments to the several articles of amendment to the Constitution of the United States." In the same session of September 25th, Mr. Boudinot moved a resolution to request the President to recommend "a day of public thanksgiving and prayer for the many signal favors of Almighty God, especially by affording the people an opportunity peaceably to establish a constitution of government for their safety and happiness." The resolution was objected to by Tucker, but supported by Sherman, and adopted.

¹ Elliot's "Debates," i. 338 and 339. The preamble states:

"The conventions of a number of States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added; and as extending the ground of public confidence in the government will best insure the beneficent ends of its institution:—

"*Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled*, two thirds of both Houses concurring, that the following articles be proposed to the legislatures of the several States, as amendments to the Constitution of the United States, all or any of which articles, when ratified by three fourths of the said legislatures, to be valid, to all intents and purposes, as part of said Constitution, namely,—"

Then follow the twelve articles. The document is signed by FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives, and by JOHN ADAMS, Vice-President of the United States and President of the Senate.

² In the "Annals of Congress," ii. 2033, are recorded the ratifications of New Hampshire (Jan. 25, 1790, all except Art. II.); New York (Feb. 24, 1790, except Arts. I. and II.); Pennsylvania (March 11, 1790, except Arts. I. and II.); Delaware, Jan. 28, 1790, all but Art. I.); Maryland, Dec. 19, 1789, all; South Carolina (Jan. 19, 1790, all); North Carolina (Dec. 22, 1789, all); Rhode Island (June, 1790, except Art. II.); New Jersey (Nov. 20, all but Art. II.). In the Annals of the Second Congress, Oct. 24, 1791 to Mar. 2, 1793 (Washington, 1849), pp. 54 and 75, is reported the ratification of Virginia (Dec. 5, 1791, except Art. I.), and of Vermont (Nov. 3, 1791, all). There is no record on the journals of Congress that the legislatures of Connecticut, Massachusetts, and Georgia ratified the amendments. They were declared in force by the Proclamation of Washington December 15, 1791.

Thus the first ten of the amendments became part and parcel of the Constitution in 1791. The first of them (which was originally the third) is the guarantee of religious liberty.

From these facts it appears that the credit of the First Amendment is due to the First Congress, which proposed it, and to the conventions of the States of New York, Virginia, North Carolina, Rhode Island, New Hampshire, and the minority of Pennsylvania, all of which suggested it, directly or indirectly, in substantially the same language.

As to individuals, James Madison, of Virginia, who became the fourth President of the United States, has the honor of being the chief advocate of this amendment in Congress. It was his conviction that religion was the gainer by its separation from politics. We have an interesting testimony to this effect from his pen in a letter to Edward Livingston, dated Montpelier, July 10, 1822. "It was the belief of all sects at one time," he says, "that the establishment of religion by law was right and necessary; that the true religion ought to be established in exclusion of every other; and that the only question to be decided was, which was the true religion. The example of Holland proved that a toleration of sects dissenting from the established sect was safe, and even useful. The example of the colonies, now States, which rejected religious establishments altogether, proved that all sects might be safely and advantageously put on a footing of equal and entire freedom. . . . It is impossible to deny that in Virginia religion prevails with more zeal and a more exemplary priesthood than it ever did when established and patronized by public authority. We are teaching the world the great truth that governments do better without kings and nobles than with them. The merit will be doubled by the other lesson: that religion flourishes in greater purity without than with the aid of government."¹

¹ "Letters and Other Writings of James Madison, Fourth President of the United States," in 4 vols., published by order of Congress, Philadelphia, 1867, vol. iii. 275, 276.

LIMITATION OF RELIGIOUS LIBERTY—DECISION OF THE UNITED STATES SUPREME COURT ON MORMON POLYGYAMY.

The Constitution does not define "religion," nor limit "the free exercise thereof." But "religion" must, at all events, include all branches of the Christian Church which then existed in the various States, with their creeds, forms of government, worship, and discipline. They are all excluded from becoming a state-religion, but all can practise and enjoy "free exercise." This is much more than freedom of religious *opinions*; for this exists everywhere, even under the most despotic governments, and is beyond the reach of law, which deals only with overt actions. Freedom of exercise includes public worship, acts of discipline, and every legitimate manifestation of religion.

The spirit and disposition of our government allow the widest latitude to this free exercise that is at all consistent with public safety. Hence even irreligion and infidelity have free play and scatter their poison wide and far by word and pen. The prevailing sentiment is, that error may safely be tolerated where truth is free to combat it. Truth is mighty and must prevail in the end. Its triumph is all the more sure and lasting if it is brought about by its own merits, unaided by material force.

But there must be some boundary to religious, as to all other liberty, when it assumes an organized shape or manifests itself in public acts. Liberty is not lawlessness and licentiousness. No man has the liberty to do wrong, or to injure his neighbor, or to endanger the public peace and welfare. Liberty, in the nature of the case, is limited by the supreme law of self-preservation, which inheres in a commonwealth as well as in an individual; and by the golden rule of loving our neighbor as ourselves. My neighbor's liberty is as sacred as mine, and I dare not encroach upon it. Religious liberty may be abused as well as the liberty of speech and of the press, or any other liberty; and all abuses are punishable by law if they violate the rights of others. A religion which injures *public morals* and enjoins

criminal practices is a public nuisance, and must be treated as such.

So far religious liberty in America has moved within the bounds of Christian civilization and public morality, and it is not likely to transgress those bounds.

The first and so far the only case in which the government was forced to define the limits of religious liberty was the case of Mormon polygamy in Utah, which is sanctioned by the Mormon religion, but which is utterly opposed to Western, as distinct from Oriental, civilization. The Congress of the United States prohibited polygamy by law (1862).¹ The Supreme Court sustained the prohibition as constitutional and valid, and within the legislative power of Congress which has exclusive control over the Territories. In the decision, delivered October, 1878, Chief-Justice Morrison R. Waite thus defines the bounds of the religious liberty guaranteed by the Constitution:²

"Laws are made for the government of actions, and while they cannot interfere with mere religious belief and opinions, they may with practices. Suppose one believed that human sacrifices were a necessary part of religious worship, would

¹ Section 5352 of the Revised Statutes: "Every person having a husband or wife living, who marries another, whether married or single, in a Territory or other place over which the United States have exclusive jurisdiction, is guilty of bigamy, and shall be punished by a fine of not more than \$500, and by imprisonment for a term of not more than five years."

² *Reynolds vs. the United States*, vol. 98, U. S. Supreme Court Reports, p. 166 *sqq.* The plaintiff, George Reynolds, was charged with bigamy, and "proved that at the time of his alleged second marriage he was a member of the Church of Jesus Christ of Latter-Day Saints, commonly called the Mormon Church, and a believer in its doctrines; that it was an accepted doctrine of that church, that it was the duty of male members of said church, circumstances permitting, to practise polygamy; . . . that this duty was enjoined by different books which the members of said church believed to be of divine origin, and among others the Holy Bible, and also that the members of the church believed that the practice of polygamy was directly enjoined upon the male members thereof by the Almighty God, in a revelation to Joseph Smith, the founder and prophet of said church; that the failing or refusing to practise polygamy by such male members of said church, when circumstances would admit, would be punished, and that the penalty for such failure and refusal would be damnation in the life to come." (P. 161.)

it be seriously contended that the civil government under which he lived could not interfere to prevent a sacrifice? Or if a wife religiously believed it was her duty to burn herself upon the funeral pile of her dead husband, would it be beyond the power of the civil government to prevent her carrying her belief into practice?

"So here, as a law of the organization of society under the exclusive dominion of the United States, it is provided that plural marriages shall not be allowed. Can a man exercise his practices to the contrary because of his religious belief? To permit this would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself. Government could exist only in name under such circumstances."

This decision is of the greatest importance. It would strictly exclude from toleration also the public exercise of Mohammedanism which sanctions polygamy, and of such heathen religions as sanction human sacrifices.

The popular hostility to the Chinese in California, and the congressional restriction of Chinese immigration, are partly due to American intolerance of the heathen customs and practices of that remarkable people, who, by their industry and skill, have largely contributed to the development of the material wealth of the Pacific States, and deserve a better treatment than they have received.

How far the United States government may go hereafter in the limitations of religious liberty depends upon the course of public opinion, which frames and interprets the laws in a free country.

The constitutions of the individual States, which guarantee religious liberty, generally guard it against abuse, and expressly declare that "the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State."¹

¹ So the constitutions of New York, Illinois, California, and other States.

THE CHARGE OF POLITICAL ATHEISM.

The colonial charters, the Declaration of Independence, and most of the State constitutions recognize, more or less explicitly, the great truth of an all-ruling Providence in the origin and history of nations. But the Constitution of the United States omits the mention even of the name of God.¹

This was a sin of omission, if sin at all, but not of commission, or intentional slight. Washington, in his reply to a Christian address from Massachusetts and New Hampshire after his inauguration, ascribes the absence of any regulation respecting religion to the consideration of the framers that "this important object is more properly committed to the guidance of the ministers of the gospel."²

The omission or inadvertency has given rise to the charge of political atheism against the Constitution.

During the civil war, when the religious sensibilities of the nation were excited in their inmost depths, and the fate of the Union was trembling in the balance, a "National Association to secure certain religious amendments to the Constitution" was formed under the presidency of Justice William Strong, of the United States Supreme Court, for the purpose of carrying through Congress such an alteration in the preamble as would recognize the national faith in God and in Christ. The amendment is as follows, the proposed insertions being included in brackets :

"We, the people of the United States [humbly acknowledging Almighty God as the source of all authority and power in civil government, the Lord Jesus Christ as the Ruler of all nations, and his revealed will as the supreme law of the land, in order to constitute a Christian government, and] in order

¹ So did also the Articles of Confederation of July 24, 1778, except in the words of the Ratification : "Whereas it has pleased the Great Governor of the world," etc.

² B. F. Morris, "Christian Life and Character of the Civil Institutions of the United States" (Philadelphia, 1864), p. 248, reports a mythical story of Alexander Hamilton, that after the adjournment of the Convention he was asked the reason of the omission by Rev. Dr. Miller, of Princeton, and replied : "I declare we forgot it." But Dr. Miller was not called to Princeton till 1813, nine years after Hamilton's death. Morris gives no authority for his statement, and introduces it simply by a vague "it is said."

to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the [inalienable rights and] blessings of [life], liberty, [and the pursuit of happiness] to ourselves and our posterity [and all the inhabitants of the land], do ordain and establish this Constitution for the United States of America."¹

These additions in the preamble, or enacting clause, to be operative, would require a special provision in the Constitution itself, giving Congress the power, by appropriate legislation, to gain the proposed end of establishing "a Christian government," and to forbid, under penalties, the public exercise of non-Christian religions. This, again, would require an alteration or express limitation of the First Amendment to the various forms of Christianity. There is no prospect that such an amendment can ever command a majority in Congress and the Legislatures of the States. The best chance was passed when the amendments suggested by the war and the emancipation of the slaves were enacted. The Constitution of the Confederate States, framed at Montgomery, Alabama, during the civil war (March 11, 1861), actually did insert Almighty God in the preamble, but that constitution died with the Confederacy in 1865. The name of God did not make it more pious or justifiable.²

Our chief objection to such an amendment, besides its impracticability, is that it rests on a false assumption, and casts an unjust reflection upon the original document, as if it were hostile to religion. But it is neither hostile nor

¹ See "Proceedings of the National Convention to secure the Religious Amendment to the Constitution of the U. S. held at Cincinnati, Jan. 31 and Feb. 1, 1872." Philadelphia, 1872. Another national convention was held in New York, February 1873. Compare, also, the previous and subsequent publications of that Association, and their semi-monthly journal, "The Christian Statesman," Philadelphia.

² The Confederate Constitution follows the Federal Constitution very closely, but provides for the theory of State Rights and for the protection of the institution of slavery, which caused the civil war. The preamble reads as follows (with the characteristic words in italics): "We, the people of the *Confederate* [instead of *United*] States, *each State acting in its sovereign and independent character*, in order to form a *permanent federal government* [instead of a *more perfect union*], establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity—*invoking the favor and guidance of Almighty God*—ordain and establish this Constitution of the *Con-*

friendly to any religion ; it is simply silent on the subject, as lying beyond the jurisdiction of the general government. The absence of the names of God and Christ, in a purely political and legal document, no more proves denial or irreverence than the absence of those names in a mathematical treatise, or the statutes of a bank or railroad corporation. The title "Holiness" does not make the Pope of Rome any holier than he is, and it makes the contradiction only more glaring in such characters as Alexander VI. The book of Esther and the Song of Solomon are undoubtedly productions of devout worshippers of Jehovah ; and yet the name of God does not occur once in them.

We may go further and say that the Constitution not only contains nothing which is irreligious or unchristian, but is Christian in substance, though not in form. It is pervaded by the spirit of justice and humanity, which are Christian. The First Amendment could not have originated in any pagan or Mohammedan country, but presupposes Christian civilization and culture. Christianity alone has taught men to respect the sacredness of the human personality as made in the image of God and redeemed by Christ, and to protect its rights and privileges, including the freedom of worship, against the encroachments of the temporal power and the absolutism of the state.

The Constitution, moreover, in recognizing and requiring an official oath from the President and all legislative, executive, and judicial officers, both of the United States and of the several States, recognizes the Supreme Being, to whom the oath is a solemn appeal. In exempting Sunday from the working days of the President for signing a bill of Congress, the Constitution honors the claims of the weekly day of rest and the habits of a Sunday-keeping nation ; and in

federate [for *United*] States of America." Jefferson Davis, in discussing the alleged improvements of the Confederate Constitution, does not deem this religious clause worth mentioning. See his "The Rise and Fall of the Confederate Government" (New York, Appleton & Co., 1881), vol. i. p. 259. In appendix K. (pp. 648 *seq.*), he gives the text of both Constitutions in parallel columns. The Confederate Constitution retains the third clause of Art VI. and transfers the First Amendment to section 9 of Article I.

the subscription, by the words "in the year of our Lord," it assents to that chronology which implies that Jesus Christ is the turning-point of history and the beginning of a new order of society.

And, finally, the framers of the Constitution were, without exception, believers in God and in future rewards and punishments, from the presiding officer, General Washington, who was a communicant member of the Episcopal Church, down to the least orthodox, Dr. Benjamin Franklin, who was affected by the spirit of English deism and French infidelity, but retained a certain reverence for the religion of his Puritan ancestors. All recognized the hand of Divine Providence in leading them safely through the war of independence. Dr. Franklin, in an eloquent and highly creditable speech, proposed the employment of a chaplain in the Convention, who should invoke the wisdom and blessing of God upon the responsible work of framing laws for a new nation.¹

The history of the general government sustains our interpretation. The only example of an apparent hostility to Christianity is the treaty with Tripoli, November 4, 1796, in which it is said—perhaps unguardedly and unnecessarily—that the government of the United States is "not founded on the Christian religion," and has no enmity against the religion of a Mohammedan nation.² But this treaty was signed

¹ See Document III. It is noteworthy that President Cleveland incorporated this address of Franklin in his eulogy of the Constitution at the Centennial celebration in Philadelphia, Sept. 17, 1887.

² "As the government of the United States of America is *not in any sense founded on the Christian religion*; as it has in itself no character of enmity against the laws, religion, or tranquillity of Musselmen; and as the said States never have entered into any war or act of hostility against any Mahometan nation, it is declared by the parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries." Article XI. of Treaty with Tripoli, signed and sealed at Tripoli Nov. 4, 1796, and at Algiers, Jan. 3, 1797, by Hassan Bashan (Dey of Algiers) and Joel Barlow (Consul-Gen. of the U. S.). See "Treaties and Conventions conducted between the U. S. and other Powers," Washington, 1873, p. 838. I learn from Dr. Francis Wharton that the treaty was framed by an ex-Congregational clergyman. With this treaty should be compared the treaties with Turkey which protest the rights of American Missionaries.

by Washington, who could not mean thereby to slight the religion he himself professed. It simply means that the United States is founded, like all civil governments, in the law of nature, and not hostile to any religion. Man, as Aristotle says, is by nature a political animal.¹ Civil government belongs to the kingdom of the Father, not of the Son. Paul recognized the Roman Empire under Nero as founded by God, and that empire persecuted the Christian religion for nearly three hundred years. The modern German Empire and the French Republic arose, like the United States, from purely secular motives, but are not on that account irreligious or anti-Christian. The Constitution (*Verfassungsurkunde*) of the German Empire proclaimed by the Emperor William, April 16, 1861, has in its seventy-eight articles not a single allusion to religion, except in the title of the Emperor *von Gottes Gnaden*, and might with much more justice be declared an atheistic document than the Constitution of the United States.

It is easy to make a plausible logical argument in favor of the proposition that the state cannot be neutral, that no-religion is irreligion, and that non-Christian is anti-Christian. But facts disprove the logic. The world is full of happy and unhappy inconsistencies. Christ says, indeed, "Who is not for me is against me," but he says also, with the same right, "Who is not against me is for me." It is the latter, and not the former truth which applies to the American state, as is manifest from its history down to the present time. A mere verbal recognition of God and Christ might be construed as an empty patronizing formality. Having the substance, we may dispense with the shadow, which might cast suspicion upon the reality.

See the instruction of Secretary Bayard to Straus, April 20, 1887, in which he says: "It is with peculiar satisfaction that the department learns that, in part through the instrumentality of Mr. Pendleton King as *chargé d'affaires*, an arrangement has been effected with the Turkish authorities by which the [American] missions are enabled to pursue, as heretofore, their meritorious, unselfish, and beneficent work among Turks in Turkey."—Appendix to vol. iii. of "Digest of International Law," by Francis Wharton, LL.D., Washington, 1887, p. 864.

¹ ἄνθρωπος φύσει πολιτικὸν ζῷον. "Polit." Bk I. ch. 2.

Our Constitution, as all free government, is based upon popular sovereignty. This is a fact which no one can deny. But this fact by no means excludes the higher fact that all government and power on earth are of divine origin, dependent on God's will and responsible to him (Rom. xiii., 1). God can manifest his will through the voice of the people fully as well as through the election of princes or nobles, or through the accident of birth. In the ancient church even bishops (like Cyprian, Ambrose, Augustin) and popes (like Gregory the Great) were chosen by the people, and the *vox populi* was accepted as the *vox Dei*. When these come in conflict, we must obey God rather than man (Acts iv., 29). All power, parental, civil, and ecclesiastical, is liable to abuse in the hands of sinful men, and if government commands us to act against conscience and right, disobedience, and, if necessary, revolution, becomes a necessity and a duty.

THE INFIDEL PROGRAM.

A direct opposition to the efforts of the "National Association to Secure a Religious Amendment to the Constitution of the United States" is an attempt of the "Liberal League" to expunge from it every trace of Christianity. The former aims to christianize the Constitution and to nationalize Christianity; the latter aims to heathenize the Constitution and to denationalize Christianity.

The program of the "Liberal League," as published by Francis E. Abbot, in their organ, *The Index*, January 4, 1873, and separately, is as follows:

"THE DEMANDS OF LIBERALISM.

"1. We demand that churches and other ecclesiastical property shall no longer be exempted from just taxation.

"2. We demand that the employment of chaplains in Congress, in State Legislatures, in the navy and militia, and in prisons, asylums, and all other institutions supported by public money, shall be discontinued.

"3. We demand that all public appropriations for sectarian, educational, and charitable institutions shall cease.

"4. We demand that all religious services now sustained by the government shall be abolished; and especially that the use of the Bible in the public schools, whether ostensibly as a text-book, or avowedly as a book of religious worship, shall be prohibited.

"5. We demand that the appointment, by the President of the United States or by the Governors of the various States, of all religious festivals and feasts shall wholly cease.

"6. We demand that the judicial oath in the courts, and in all other departments of the government, shall be abolished, and that simple affirmation under pains and penalties of perjury shall be established in its stead.

"7. We demand that all laws, directly or indirectly, enforcing the observance of Sunday as the Sabbath shall be repealed.

"8. We demand that all laws looking to the enforcement of 'Christian' morality shall be abrogated, and that all laws shall be conformed to the requirements of natural morality, equal rights, and impartial liberty.

"9. We demand that not only in the Constitutions of the United States and of the several States, but also in the practical administration of the same, no privilege or advantage shall be conceded to Christianity or any other special religion; that our entire political system shall be founded and administered on a purely secular basis; and that whatever changes shall prove necessary to this end shall be consistently, unflinchingly, and promptly made

"Liberals! I pledge to you my undivided sympathies and most vigorous co-operation, both in *The Index* and out of it, in this work of local and national organization. Let us begin at once to lay the foundations of a great national party of freedom, which shall demand the entire secularization of our municipal, State, and national government.

"Let us boldly and with high purpose meet the duty of the hour. Rouse, then, to the great work of freeing America from the usurpations of the Church! Make this continent from ocean to ocean sacred to human liberty! Prove that you are worthy descendants of those whose wisdom and patriotism gave us a Constitution untainted with superstition! Shake off your slumbers, and break the chains to which you have too long tamely submitted."

There are some good religious people who from entirely different motives and aims sympathize with a part of this program, under the mistaken notion that the separation of church and state must be absolute, and requires, as its logical result, the exclusion of the Bible and all religious teaching from the public schools. But an absolute separation is an impossibility, as we have seen already and shall show hereafter.

The state cannot be divorced from morals, and morals cannot be divorced from religion. The state is more in need of the moral support of the church than the church is in need of the protection of the state. What will become of a state, or a school, which is indifferent to the fundamental virtues of honesty, integrity, justice, temperance? And how can these, or any other virtues, be more effectually

maintained and promoted than by the solemn sanctions of religion which binds man to God? We will not speak of the graces of humility, chastity, and charity, which were and are unknown before and outside of revelation. The second table of the Ten Commandments is based upon the first. Love to man is impossible without love to God, who first loved us.

If the aim of the "National Association" is impracticable, the aim of the "Liberal League" is tenfold more impracticable. The change in the preamble of the Constitution would be an easy task compared with the task of expelling the Christian religion from the national life. To carry out their program, the Free-thinkers would have to revolutionize public sentiment, to alter the constitutions and laws of the country, to undo or repudiate our whole history, to unchristianize the nation, and sink it below the heathen standard. For the wisest among the heathen acknowledged the necessity of religion as the basis of the commonwealth. Socrates said to Alcibiades, according to Plato: "To act justly and wisely, you must act according to the will of God." Plutarch, the purest and noblest of the Platonists, in a work against an Epicurean philosopher (*Adv. Colotem*), makes the remarkable statement: "There never was a state of atheists. You may travel all over the world, and you may find cities without walls, without king, without mint, without theatre, or gymnasium; but you will nowhere find a city without a God, without prayer, without oracle, without sacrifice. Sooner may a city stand without foundations, than a state without belief in the gods. This is the bond of all society, and the pillar of all legislation."

THE STATE CONSTITUTIONS.

The Federal Constitution did not abolish the union of church and state where it previously existed, nor does it forbid any of the States to establish a religion or to favor a particular church. It leaves them free to deal with religion as they please, provided only they do not deprive any American citizen of his right to worship God according to his conscience. It does not say: "*No State* shall make a law

respecting an establishment of religion"; nor: "*Neither Congress nor any State,*" etc., but simply: "*Congress shall make no law,*" etc. The States retained every power, jurisdiction, and right which they had before, except those only which they delegated to the Congress of the United States or the departments of the Federal Government. In the language of the Tenth Amendment: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Hence, as Justice Story says: "The whole power over the subject of religion is left exclusively to the State governments, to be acted upon according to their sense of justice and the State constitutions." The States are sovereign within the limits of the supreme sovereignty of the general government, which is confined to a specified number of departments of general national interest, such as army and navy, diplomatic intercourse, post-office, coinage of money, disposal of public lands, and the government of Territories.

In New York and Virginia the union of church and state was abolished before the formation of the Federal Constitution; but in other States it continued for many years afterward, though without persecution. Connecticut and Massachusetts retained and exercised (the former till 1818, the latter till 1833) the power of taxing the people for the support of the Congregational Church, and when such taxation was finally abolished, many good and intelligent people feared disastrous consequences for the fate of religion, but their fears were happily disappointed by the result. In Pennsylvania, North Carolina, South Carolina, Tennessee, Maryland, and New Jersey, atheists, and such as deny "a future state of reward and punishment," are excluded from public offices, and blasphemy is subject to punishment.¹ In Delaware, Kentucky, Maryland, and Tennessee, clergymen are not eligible for civil offices and for the legislature, on account of their ecclesiastical functions. The constitution of New Hampshire empowers the legislature to authorize towns, parishes, and religious

¹ See the constitutional provisions of these States in Judge Cooley's "Constitutional Limitations," p. 579, note.

societies to make adequate provision, at their own expense, for the support of public *Protestant* worship, but not to tax those of other sects or denominations. An attempt was made in 1876 to amend this article by striking out the word *Protestant*, but it failed.¹

It is remarkable, however, that since the adoption of the Federal Constitution no attempt has been made to establish a religion, except in the Mormon Territory of Utah.

Most of the more recent State constitutions expressly guarantee religious liberty to the full extent of the First Amendment, and in similar language. We give a few specimens: ¹

The constitution of Illinois (II. 3) declares that "the free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed, and no person shall be denied any civil or political right, privilege, or capacity on account of his religious opinions," and that "no person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any denomination or mode of worship."

The constitution of Iowa (I. 3, 4) declares that "the general assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or the maintenance of any minister or ministry. No religious test shall be required as a qualification for any office or public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinion on the subject of religion."

Similar provisions are made in the constitutions of Alabama, California, Colorado, Connecticut, Florida, Georgia, Indiana, Kansas, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Jersey, New York, Oregon,

¹ Cooley, *L. c.*, p. 580, note 2.

Texas, and other States, but usually with an express caution against licentiousness and immoral practices.¹

Judge Cooley enumerates five points which are not lawful under any of the American constitutions: 1. "Any law respecting an establishment of religion." 2. "Compulsory support, by taxation or otherwise, of religion." 3. "Compulsory attendance upon religious worship." 4. "Restraints upon the free exercise of religion according to the dictates of conscience." 5. "Restraints upon the expression of religious belief."²

The exceptions are remnants of older ideas, and cannot resist the force of modern progress.

It is a serious question whether the constitutions of all the States should not be so amended—if necessary—as to prevent the appropriation of public money for sectarian purposes. Such appropriations have been made occasionally by the legislature and the city government of New York in favor of the Roman Catholics, owing to the political influence of the large Irish vote. The State must, above all things, be just, and support either all or none of the religious denominations.

The case of Mormonism is altogether abnormal and irreconcilable with the genius of American institutions. In that system politics and religion are identified, and polygamy is sanctioned by religion, as in Mohammedanism. This is the reason why the Territory of Utah, notwithstanding its constitutional number of inhabitants, has not yet been admitted into the family of independent States. The general government cannot attack the religion of the Mormons, as a religion, but it can forbid polygamy as a social institution, inconsistent with our western civilization, and the Supreme Court has decided in favor of the constitutionality of such prohibition by Congress.³ The Mormons must give up this part of their religion, or emigrate.

EFFECT OF THE CONSTITUTION UPON THE CREEDS.

The ancient or œcumenical creeds (the Apostles', the

¹ See Cooley, *l. c.*, Ch. XIII., 579 *sq.*, and especially Ben: Perley Poore.

² "The Federal and State Constitutions, Colonial Charters and Other Organic Laws of the United States. Compiled under an order of the U. S. Senate." Washington, 1877, two large vols.

³ *L. c.*, p. 580.

³ See above, p. 36, and Document II.

Nicene, and the Athanasian) are silent on the relation of church and state, and leave perfect freedom on the subject, which lies outside of the articles of faith necessary to salvation.

But some Protestant confessions of faith, framed in the Reformation period, when church and state were closely interwoven, ascribe to the civil magistrate ecclesiastical powers and duties which are Erastian or cæsaro-papal in principle and entirely inconsistent with the freedom and self-government of the church. Hence changes in the political articles of those confessions became necessary.

The Presbyterian Church took the lead in this progress even long before the American Revolution. The synod of Philadelphia, convened September 19, 1729, adopted the Westminster standards of 1647, with a liberal construction and with the express exemption of "some clauses in the XXth and XXIIIrd chapters of the Confession in any such sense as to imply that the civil magistrate hath a controlling power over synods with respect to the exercise of their ministerial authority or power *to persecute any for their religion.*"¹

After the revolutionary war, the United Synod of Philadelphia and New York met at Philadelphia, May 28, 1787, (at the same time and in the same place as the convention which framed the Federal Constitution), and proposed important alterations in the Westminster Confession, chapters XX. (closing paragraph), XXIII. 3, and XXXI. 1, 2, so as to eliminate the principle of state-churchism and religious persecution, and to proclaim the religious liberty and legal equality of all Christian denominations. These alterations were formally adopted by the Joint Synod at Philadelphia, May 28, 1788, and have been faithfully adhered to by the large body of the Presbyterian Church in America. It is worthy of note that the Scripture passages quoted by the old Confession in favor of state-churchism and the ecclesiastical power of the civil magistrate are all taken from the Old Testament.

The alterations may be seen from the following parallel texts:

¹ See Moore's "Presbyterian Digest," Philadelphia, second ed., 1873, p. 4 seq.

ORIGINAL TEXT, 1647.

Ch. XXIII. 3.—Of the Civil Magistrate.

The civil magistrate may not assume to himself the administration of the Word and Sacraments, or the power of the keys of the kingdom of heaven; ¹ yet he hath authority, and it is his duty to take order, that unity and peace be preserved in the Church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered, and observed.² For the better effecting whereof he hath power to call synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God.³

AMERICAN TEXT, 1788.

Ch. XXIII. 3.—Of the Civil Magistrate.

Civil Magistrates may not assume to themselves the administration of the Word and Sacraments,¹ or the power of the keys of the kingdom of heaven;² or, in the least, interfere in matters of faith.³ Yet, as nursing fathers, it is the duty of civil magistrates to protect the Church of our common Lord, without giving the preference to any denomination of Christians above the rest, in such a manner that all ecclesiastical persons whatever shall enjoy the full, free, and unquestioned liberty of discharging every part of their sacred functions without violence or danger.⁴ And, as Jesus Christ hath appointed a regular government and discipline in his Church, no law of any commonwealth should interfere with, let, or hinder the due exercise thereof, among the voluntary members of any denomination of Christians, according to their own profession and belief.⁵ It is the duty of civil magistrates to protect the person and good name of all their people, in such an effectual manner as that no person be suffered, either upon pretence of religion or infidelity, to offer any indignity, violence, abuse, or injury to any other person whatsoever; and to take order that all religious and ecclesiastical assemblies be held without molestation or disturbance.⁶

¹ 2 Chron. xxvi. 18; Matt. xviii. 17; xvi. 19; 1 Cor. xii. 28, 29; Eph. iv. 11, 12; 1 Cor. iv. 1, 2; Rom. x. 15; Heb. v. 4.

² Isa. xlix. 23; Psa. cxxii. 9; Ezra vii. 23-28; Lev. xxiv. 16; Deut. xiii. 5, 6, 12; 2 Kings xviii. 4; 1 Chron. xiii. 1-9; 2 Kings xxiii. 1-26; 2 Chron. xv. 12, 13.

³ 2 Chron. xix. 8-11; chaps. xxix. and xxx.; Matt. ii. 4, 5.

¹ 2 Chron. xxvi. 18.

² Matt. xvi. 19; 1 Cor. iv. 1, 2.

³ John xviii. 36. Mal. ii. 7; Acts v. 29.

⁴ Isa. xlix. 23.

⁵ Psa. cv. 15; Acts, xviii. 14, 15, 16.

⁶ 2 Sam. xxiii. 3; 1 Tim. ii. 1; Rom. xiii. 4.

ORIGINAL TEXT, 1647.—*Continued.*
Ch. XXXI.—Of Synods and Councils.

I. For the better government and further edification of the church, there ought to be such assemblies as are commonly called synods or councils.¹

II. As magistrates may lawfully call a synod of ministers and other fit persons to consult and advise with about matters of religion²; so, if magistrates be open enemies to the church, the ministers of Christ, of themselves, by virtue of their office, or they, with other fit persons, upon delegation from their churches, may meet together in such assemblies.³

¹ Acts xv. 2, 4, 6.

² Isa. xlix. 23; 1 Tim. ii. 1, 2; 2 Chron. xix. 8-11; chaps. xxix. and xxx.; Matt. ii. 4, 5; Prov. xi. 14.

³ Acts xv. 2, 4, 22, 23, 25.

AMERICAN TEXT, 1788.—*Continued.*
Ch. XXXI.—Of Synods and Councils.

I. For the better government and further edification of the church, there ought to be such assemblies as are commonly called synods or councils.¹

And it belongeth to the overseers and other rulers of the particular churches, by virtue of their office, and the power which Christ hath given them for edification, and not for destruction, to appoint such assemblies; and to convene together in them, as often as they shall judge it expedient for the good of the church.²

¹ Acts xv. 2, 4, 6.

² Acts xv. 22, 23, 25.

In Ch. XX., § 4, the last sentence, "and by the power of the civil magistrate," was omitted, so as to read, "they [the offenders] may lawfully be called to account, and proceeded against by the censures of the Church."

The only change made in the Larger Catechism was the striking out of the words "tolerating a false religion," among the sins forbidden in the Second Commandment (Quest. 109).

Two smaller Presbyterian bodies, the Associate Church, and the Reformed Presbyterian Church, adhere to the theory of the Scotch Covenanters, and abstain from voting till the Constitution is so amended as to acknowledge the sovereignty of God and the subserviency of the state to the kingdom of Christ; but they nevertheless claim the freedom and independence of the church from the state.¹

The example set by the Presbyterian Church in the United States was followed by the Protestant Episcopal Church, which was organized as a distinct communion in consequence of the separation from the Crown and Church of England in 1785. At first this church made radical

¹ Schaff's "Creeds of Christendom," vol. i. 811-813.

changes in her liturgy and reduced the Thirty-nine Articles to twenty, and afterward to seventeen, and omitted the Nicene and Athanasian creeds altogether under the influence of latitudinarianism which prevailed at that time. But the "Proposed Book," or provisional liturgy of 1786, which embodied these changes, failed to give satisfaction and was opposed by the English bishops. The General Convention at Trenton, New Jersey, September 8-12, 1801, adopted the Thirty-nine Articles, yet with the omission of the Athanasian Creed in Article VIII., and of Article XXXVII., on the Powers of the Civil Magistrate. This article asserts in the first paragraph that

"The Queen's [King's] Majesty hath the chief power in this realm of England and other of her [his] dominions, unto whom the chief government of all estates of this realm, *whether they be ecclesiastical or civil*, in all causes doth appertain, and it is not, nor ought to be, subject to any foreign jurisdiction."

For this first section the following necessary improvement was substituted in the American revision:

"The power of the civil magistrate extendeth to all men, as well clergy as laity, in all things temporal; *but hath no authority in things purely spiritual*. And we hold it to be the duty of all men who are professors of the gospel, to pay respectful obedience to the civil authority, regularly and legitimately constituted."

The rest of the Article is omitted. Article XXI., which, asserts that "General Councils may not be gathered together *without the commandment and will of princes*," was also omitted, and Articles XXXV. (*Of the Homilies*) and XXXIX. (*Of a Christian man's Oath*) were abridged.¹

As to the Methodists, who are the most numerous body of Protestant Christians in the United States, they had previously disowned the political articles of the Church of England by adopting the abridgment of John Wesley, who in 1784 had reduced the Thirty-nine Articles to twenty-five.²

The Lutheran Formula of Concord (1576) excludes the Anabaptists from toleration "in the church and in the

¹ See the texts of the Anglican and Anglo-American Articles in parallel columns in Schaff's "Creeds," vol. iii. 487-516.

² Schaff, iii. 807, *sqq.*

state."¹ But this prohibition has recently been legally removed or ceased to be enforced even in strictly Lutheran countries. In the United States it has no meaning.

The Baptists and Quakers have always protested against the union of church and state, and against all kinds of religious intolerance.

The independence of the church from the state is universally adopted, and religious persecution is universally condemned, even by the most orthodox and bigoted of the American churches.

THE NATION AND CHRISTIANITY.

The separation of church and state as it exists in this country is not a separation of the nation from Christianity.

This seems paradoxical and impossible to all who entertain an absolutist or utopian idea of the state, and identify it either with the government, as did Louis XIV. (according to his maxim: *L'état c'est moi*)², or with the realization of the moral idea, as Hegel³ and Rothe,⁴ or with the nation, as Bluntschli,⁵ and Mulford.⁶

¹ "Anabaptistæ . . . talem doctrinam profitentur quæ neque in Ecclesia neque in politia [Germ. ed.: noch in der Polizei und weltlichem Regiment], neque in aconomia [Haushaltung] tolerari potest."—Epitome, Art. XII. See Schaff, *l. c.*, iii. 173.

² This corresponds to the Roman Catholic idea that the clergy or hierarchy are the church; while the laity are doomed to passive obedience. Pope Pius IX. said during the Vatican Council: "I am the tradition."

³ "Philosophie des Rechts." Hegel calls the state "*die Wirklichkeit der sittlichen Idee*," "*die selbstbewusste Vernünftigkeit und Sittlichkeit*," "*das System der sittlichen Welt*." ("Works," vol. viii. p. 340 sqq.)

⁴ Richard Rothe, in his "Anfänge der christlichen Kirche," (Wittenberg, 1837, pp. 1-138), teaches the ultimate absorption of religion into morals, and of the church into an ideal state, which he identifies with the kingdom of God (the βασιλεία τοῦ θεοῦ). But the ultimate state is a theocracy where God shall be all in all. (1 Cor. xv. 28.)

⁵ "Lehre vom modernen Staat." Engl. translation: "Theory of the Modern State," Oxford, 1885.

⁶ "The Nation: The Foundations of Civil and Political Life in the United States," Boston, 1870, 9th edition, 1884. This work grew out of the enthusiasm for the nation enkindled by the civil war for its salvation. It is a profound study of speculative politics, with the main ideas borrowed from Bluntschli, and Hegel. Mulford wrote afterwards a theological treatise under the title, "The Republic of God," Boston, 9th ed., 1886.

The tendency of modern times is to limit the powers of the government, and to raise the liberty of the people. The government is for the people, and not the people for the government. In ancient Greece and Rome the free man was lost in the citizen, and the majority of the people were slaves. Plato carried this idea to the extent of community of property, wives, and children, in his utopian republic. Against this Aristotle protested with his strong realistic sense, and defended in his "Politics" the rights of property and the dignity of the family. The American ideal of the state is a republic of self-governing freemen who are a law to themselves. "That government is best which governs least."

The state can never be indifferent to the morals of the people; it can never prosper without education and public virtue. Nevertheless its direct and chief concern in our country is with the political, civil, and secular affairs; while the literary, moral, and religious interests are left to the voluntary agency of individuals, societies, and churches, under the protection of the laws. In Europe the people look to the government for taking the initiative; in America they help themselves and go ahead.

The nation is much broader and deeper than the state, and the deepest thing in the nation's heart is its religion.

If we speak of a Christian nation we must take the word in the qualified sense of the prevailing religious sentiment and profession; for in any nation and under any relation of church and state, there are multitudes of unbelievers, misbelievers, and hypocrites. Moreover, we must not measure the Christian character of a people by outward signs, such as crosses, crucifixes, pictures, processions, clerical coats, and monastic cowls, all of which abound in Roman Catholic countries and in Russia, on the streets and in public places, but are seldom seen in the United States. We must go to the churches and Sunday-schools, visit the houses and family altars, attend the numerous meetings of synods, conferences, conventions, observe the sacred stillness of the Lord's Day, converse with leading men of all professions and grades of culture, study the religious literature and periodical press

with its accounts of the daily thoughts, words, and deeds of the people. A foreigner may at first get bewildered by the seeming confusion of ideas, and be repelled by strange novelties or eccentricities; but he will gradually be impressed with the unity and strength of the national sentiment on all vital questions of religion and morals.

With this understanding we may boldly assert that the American nation is as religious and as Christian as any nation on earth, and in some respects even more so, for the very reason that the profession and support of religion are left entirely free. State-churchism is apt to breed hypocrisy and infidelity, while free-churchism favors the growth of religion.

Alexis de Tocqueville, the most philosophic foreign observer of American institutions, says:

"There is no country in the whole world in which the Christian religion retains a greater influence over the souls of men than in America, and there can be no greater proof of its utility, and of its conformity to human nature, than that its influence is most powerfully felt over the most enlightened and free nation of the earth. . . . In the United States religion exercises but little influence upon the laws and upon the details of public opinion, but it directs the manners of the community, and by regulating domestic life, it regulates the state. . . . Religion in America takes no direct part in the government of society, but it must, nevertheless, be regarded as the foremost of the political institutions of that country, for if it does not impart a taste for freedom, it facilitates the use of free institutions. I am certain that the Americans hold religion to be indispensable to the maintenance of republican institutions. This opinion is not peculiar to a class of citizens or to a party, but it belongs to the whole nation and to every rank of society."¹

This judgment of the celebrated French scholar and statesman is extremely important, and worthy of being seriously considered by all our educators and politicians, in opposition to infidels and anarchists, foreign and domestic, who are zealous in spreading the seed of atheism and irreligion, and are undermining the very foundations of our republic. I fully agree with De Tocqueville. I came to the same conclusion soon after my immigration to America in 1844, and I have been confirmed in it by an experience of forty-three years and a dozen visits to Europe. In Roman Catholic

¹ "Democracy in America," translated by Henry Reeve, New York, 1838, vol. i. pp. 285, 286 sq.

countries and in Russia there is more outward show, in Protestant countries more inward substance, of religion. There the common people are devout and churchy, but ignorant and superstitious; while the educated classes are skeptical or indifferent. In Protestant countries there is more information and intelligent faith, but also a vast amount of rationalism and unbelief. In Great Britain Christianity has a stronger hold on all classes of society than on the Continent, and this is partly due to the fact that it is allowed more freedom.

Religious Activity.

The Christian character of the American nation is apparent from the following facts:

1. The United States equal and even surpass most Christian countries in religious energy and activity of every kind. The rapid multiplication of churches, Sunday-schools, Young Men's Christian Associations, religious and charitable institutions all over the country, by voluntary contributions, without any aid from the government, has no parallel in history. Nowhere are churches better attended, the Lord's Day more strictly observed, the Bible more revered and studied, the clerical profession more respected, than in North America.

It is so often asserted by the advocates of state-churchism that the clergy are made servants of the congregation from which they draw their support. In reply we say, that they ought to be servants of the people in the best sense of the word, as Christ came to serve, and washed his disciples' feet; that American ministers are esteemed in proportion to the fidelity and fearlessness with which they discharge their duty to God and men; and that the congregation feel more attached to a pastor whom they choose and support, than to a pastor who is set over them by the government whether he suits them or not. A congregation is not a flock of sheep.

We may quote here a just and noble tribute which a statesman, Daniel Webster, the American Demosthenes, paid to the American clergy, in his famous speech on the Girard will case¹:

¹ "Works of Daniel Webster," vol. vi. pp. 140, 141. Tenth ed., Boston, 1857.

"I take it upon myself to say, that in no country in the world, upon either continent, can there be found a body of ministers of the gospel who perform so much service to man, in such a full spirit of self-denial, under so little encouragement from government of any kind, and under circumstances almost always much straitened and often distressed, as the ministers of the gospel in the United States, of all denominations. They form no part of any established order of religion; they constitute no hierarchy; they enjoy no peculiar privileges. In some of the States they are even shut out from all participation in the political rights and privileges enjoyed by their fellow-citizens. They enjoy no tithes, no public provision of any kind. Except here and there, in large cities, where a wealthy individual occasionally makes a donation for the support of public worship, what have they to depend upon? They have to depend entirely on the voluntary contributions of those who hear them.

"And this body of clergymen has shown, to the honor of their own country and to the astonishment of the hierarchies of the Old World, that it is practicable in free governments to raise and sustain by voluntary contributions alone a body of clergymen, which, for devotedness to their sacred calling, for purity of life and character, for learning, intelligence, piety, and that wisdom which cometh from above, is inferior to none, and superior to most others.

"I hope that our learned men have done something for the honor of our literature abroad. I hope that the courts of justice and members of the bar of this country have done something to elevate the character of the profession of the law. I hope that the discussions above (in Congress) have done something to meliorate the condition of the human race, to secure and extend the great charter of human rights, and to strengthen and advance the great principles of human liberty. But I contend that no literary efforts, no adjudications, no constitutional discussions, nothing that has been done or said in favor of the great interests of universal man, has done this country more credit, at home or abroad, than the establishment of our body of clergymen, their support by voluntary contributions, and the general excellence of their character for piety and learning.

"The great truth has thus been proclaimed and proved, a truth which I believe will in time to come shake all the hierarchies of Europe, that the voluntary support of such a ministry, under free institutions, is a practicable idea."

Christian Legislation.

2. Our laws recognize Christianity, protect church property, and decide cases of litigation according to the creed and constitution of the denomination to which the property belongs.

The Supreme Court of the United States in the case of *Watson vs. Jones*, concerning a disputed Presbyterian church property in Louisville, Kentucky, decided (December, 1871) that:

"In such cases where the right of property in the civil court is dependent on the question of doctrine, discipline, ecclesiastical law, rule, or custom, or church government, and that has been decided by the highest tribunal within the organization to which it has been carried, *the civil court will accept that decision as conclusive, and be governed by it in its application to the case before it.*"¹

Christianity is a part of the common law of England, according to the judicial declaration of Sir Matthew Hale and other English judges.² The same may be said of the United States to a limited extent, namely as far as the principles and precepts of Christianity have been incorporated in our laws, and as far as is consistent with religious and denominational equality. For our laws give no preference to any creed, but protect all alike. They protect Jews as well as Christians, infidels as well as believers, in the enjoyment of their rights, provided they do not disturb the public peace.

The Supreme Court of Pennsylvania, in the case of *Updegraph against the Commonwealth*, February sessions, 1822, argued in the Mayor's Court of the city of Pittsburg, decided that "Christianity is and always has been a part of the common law of Pennsylvania"; and that "maliciously to vilify the Christian religion is an indictable offence."³ This Christianity was, however, defined by Judge Duncan, who delivered the opinion of the court, as "*general* Christianity, without the spiritual artillery of European countries; not Christianity founded on any particular religious tenets; not Christianity with an established church, and tithes, and spiritual courts, but *Christianity with liberty of conscience to all men.*"⁴

Daniel Webster, in the celebrated Girard will case, argued

¹ "United States Supreme Court Reports," 13. Wallace, p. 680. (In "Cases Argued and Adjudged, December Term, 1871.")

² Blackstone, "Commentaries," Book IV. 59, says: "Christianity is part of the laws of England."

³ Abner Updegraph, of Pittsburg, was charged with vilifying the Christian religion and declaring that the Holy Scriptures were a mere fable, and contained, with a number of good things, a great many lies. See "Reports of Cases adjudged in the Supreme Court of Pennsylvania," by Thomas Sergeant and William Rawle, Jr. Phila., vol. xi. 394, *sqq.* The opinion is given in full in Document IX.

⁴ *Ibid.* p. 400.

before the United States Supreme Court in Washington, February, 1844, took the same view and gave it a wider application. The most eloquent and impressive part of his argument against the will is that in which he shows the close connection of education with religion. We quote the following passage :

"It is the same in Pennsylvania as elsewhere ; the general principles and public policy are sometimes established by constitutional provisions, sometimes by legislative enactments, sometimes by judicial decisions, sometimes by general consent. But however they may be established, there is nothing that we look for with more certainty than the general principle that Christianity is part of the law of the land. This was the case among the Puritans of New England, the Episcopalians of the Southern States, the Pennsylvania Quakers, the Baptists, the mass of the followers of Whitefield and Wesley, and the Presbyterians ; all brought and all adopted this great truth, and all have sustained it. And where there is any religious sentiment amongst men at all, this sentiment incorporates itself with the law. *Every thing declares it.* The massive cathedral of the Catholic ; the Episcopalian church, with its lofty spire pointing heavenward ; the plain temple of the Quaker ; the log church of the hardy pioneer of the wilderness ; the mementos and memorials around and about us ; the consecrated graveyards, their tombstones and epitaphs, their silent vaults, their mouldering contents,—all attest it. *The dead prove it as well as the living.* The generations that are gone before speak it, and pronounce it from the tomb. We feel it. All, all proclaim that Christianity, general, tolerant Christianity, Christianity independent of sects and parties, that Christianity to which the sword and fagot are unknown, general, tolerant Christianity, is the law of the land."¹

The Supreme Court sustained the will and the previous decision of the Circuit Court of the Eastern District of Pennsylvania (1841), but on the ground that, while it excluded *ecclesiastics* from holding office in Girard College, it was not expressly *hostile* to the Christian religion, and did not *forbid* the reading of the Bible and the teaching of unsectarian Christianity by *laymen*. Justice Story, in delivering the opinion of the court, admitted that "the Christian religion is truly a part of the common law of Pennsylvania," but that this proposition is to be received with its appropriate qualifications, and in connection with the bill of rights of that State and the full liberty of religion guaranteed by the constitution of 1790 and 1838. He concludes :

¹ Webster's "Works," vol. vi. 176. The italics are Webster's.

"So that we are compelled to admit that, although Christianity be a part of the common law of this State, yet it is so in this qualified sense, that its divine origin and truth are admitted, and therefore it is not to be maliciously and openly reviled and blasphemed against, to the annoyance of believers or the injury of the public. Such was the doctrine of the Supreme Court of Pennsylvania in *Updegraph v. The Commonwealth*, 11 Serg. and Rawle, 394."¹

In the State of New York Christianity is likewise recognized by the law, and blasphemy is punishable. In the case of *The people against Ruggles*, who was indicted, December, 1810, for blasphemous utterances concerning Christ, the Supreme Court at Albany, August, 1811, confirmed the judgment of imprisonment and a fine of \$500.² Chief-Justice James Kent, one of the fathers of American jurisprudence, and author of the "Commentaries on American Law," in delivering the opinion of the court, declared that "we are a Christian people," and said :

"The free, equal, and undisturbed enjoyment of religious opinion, whatever it may be, and free and decent discussions on any religious subject, are granted and secured ; but to revile with malicious and blasphemous contempt the religion professed by almost the whole community is an abuse of that right. . . . We are a Christian people, and the morality of the country is deeply ingrafted upon Christianity. . . . This declaration [of the New York Constitution in favor of religious liberty] never meant to withdraw religion in general, and with it the best sanctions of moral and social obligation, from all consideration and motive of the law. To construe it as breaking down the common law barriers against licentious, wanton, and impious attacks upon Christianity itself, would be an enormous perversion of its meaning."

In the important case of *The people vs. Lindenmüller* (who had openly violated the Sunday laws and caused successive suits), the Supreme Court of the State of New York, May 29, 1861, strongly maintained the same ground. Justice Allen in delivering the opinion, his associates concurring, said :

¹ "Reports of Cases Argued and Adjudged in the Supreme Court of the United States, January Term, 1844." By B. C. Howard. Vol. ii., Phila., 1845, p. 183 *sqq.*, especially pp. 198 and 199. The Girard College is a noble institution for the education of orphans, and has, so far, had earnest Christian laymen as presidents, who conduct it in the spirit of unsectarian Christianity.

² "Reports of Cases Argued and Determined in the Supreme Court of Judicature in the State of New York." By William Johnson, vol. viii. p. 290 *sqq.* See the whole decision in Document X.

"Christianity is not the legal religion of the State, as established by law. If it were, it would be a civil or political institution, which it is not; but this is not inconsistent with the idea that *it is in fact, and ever has been, the religion of the people*. This fact is everywhere prominent in all our civil and political history, and has been, from the first, recognized and acted upon by the people, as well as by constitutional conventions, by legislatures, and by courts of justice."¹

A similar position of the connection between Christianity and the state is taken by the courts of Massachusetts, Delaware, and New Jersey.²

Judge Theodore W. Dwight, president of the Columbia Law School, New York, and one of the most learned jurists in the United States, whom I consulted on the subject, gives his opinion in a letter as follows:

"It is well settled by decisions in the courts of the leading States of the Union—*e. g.*, New York, Pennsylvania, and Massachusetts—that Christianity is a part of the common law of the state. Its recognition is shown in the administration of oaths in the courts of justice, in the rules, which punish those who wilfully blaspheme, in the observance of Sunday, in the prohibition of profanity, in the legal establishment of permanent charitable trusts, and in the legal principles which control a parent in the education and training of his children. One of the American courts (that of Pennsylvania) states the law in this manner: Christianity is and always has been a part of the common law of this State—'Christianity without the spiritual artillery of European countries—not Christianity founded on any particular religious tenets—not Christianity with an established church and tithes and spiritual courts, but Christianity with liberty of conscience to all men.'

"The American States adopted these principles from the common law of England, rejecting such portions of the English law on this subject as were not suited to their customs and institutions. Our national development has in it the best and purest elements of historic Christianity, as related to the government of States. Should we tear Christianity out of our law, we would rob our law of its fairest jewels, we would deprive it of its richest treasures, we would arrest its growth, and bereave it of its capacity to adapt itself to the progress in culture, refinement, and morality of those, for whose benefit it properly exists."

There are indeed able jurists who hold a different view, and maintain that our laws deal only with public morality.

¹ See Document XI.

² In New Jersey a man was recently punished for blasphemy, in spite of the eloquent defence of Colonel Robert G. Ingersoll, the apostle of American infidelity, who denounced the law as an infringement of the right of free speech. An editorial in the *Albany Law Journal*, June 4, 1887, on this case, defends the constitutionality, but doubts the policy of such prosecutions.

Nobody can be punished in this country for rejecting Christianity as a system of belief or even of conduct. But all must admit that the American system of law, whether inherited from England or enacted by statute, has grown up, together with our whole civilization, under the influence of the Christian religion, and is, directly or indirectly, indebted to it for its best elements. It breathes the spirit of justice and humanity, and protects the equal rights of all. Such a system could not have originated on heathen or Mohammedan soil. And we may say that our laws are all the more Christian because they protect the Jew and the infidel, as well as the Christian of whatever creed, in the enjoyment of the common rights of men and of citizens.

The Oath.

3. The oath, or solemn appeal to the Deity for the truth of an assertion is administered by the national government and the State governments with the use of the Bible, either in whole or in part, in conformity with old Christian custom and the national reverence for the Book of books. Simple affirmation, however, is justly allowed as a substitute,¹ in justice to the consciences of Quakers and atheists, who, from opposite motives cannot honestly take an oath. But if the affirmation proves false, it is punished as perjury. The Revised Statutes of New York provide also, that persons believing in any other than the Christian religion shall be sworn according to the peculiar ceremonies of their religion, instead of the usual mode of laying the hand upon and kissing the Gospels. Thus, a Jew may be sworn on the Old Testament, with his head covered, a Mohammedan, on the Koran, a Chinaman by breaking a china saucer. All this is simply just; and Christian, because just.

Official Acts of the Presidents.

4. Our Presidents, in their inaugural addresses, annual messages and other official documents, as well as in occasional

¹ It seems to have been inserted in the Federal Constitution without any debate. Madison, in the "Debates of the Federal Convention" (Elliot, v. 498) simply reports, "The words 'or affirmation,' were added after 'oath.'"

proclamations of days of thanksgiving or fasting (as during the civil war), usually recognize, more or less distinctly, the dependence of the nation upon Almighty God for all its blessings and prosperity and our duty of gratitude—at least in such general terms as a proper regard for the religion of Jewish and other citizens who reject the specific tenets of Christianity admits. Christian rulers in Europe seldom go even that far in their official utterances.

Thomas Jefferson is the only President who had constitutional scruples to appoint days of prayer and fasting, and left that to the executives of the several States. He admitted that he differed herein from his predecessors, and he would not prevent his successors from doing what is, indeed, not expressly granted, but still less forbidden by the Constitution.¹

The father of this country, who ruled over the hearts of his fellow-citizens as completely as ever a monarch ruled over his subjects, set the example of this habitual tribute in his first and in his last official addresses to the people. In his first Inaugural Address, delivered April 30, 1789, he says :

"It would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aid can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering this homage to the great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own ; nor those of my fellow-citizens at large, less than either. No people can be bound to acknowledge the invisible hand which conducts the affairs of men more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency. . . . There exists, in the economy of nature, an indissoluble union between an honest and magnanimous policy and the solid rewards of public prosperity and felicity. . . . The propitious smiles of Heaven can never smile on a nation that disregards the eternal rules of order and right which Heaven itself has ordained."²

¹ See his letter to Rev. Mr. Millar, in Jefferson's "Writings," vol. iv. 427, and v. 236 sq.

² "Writings of George Washington," ed. by Jared Sparks, Boston, 1837, vol. xii. 2 and 3.

And in his Farewell Address (September 7, 1796), which will never be forgotten, Washington says :

"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. For in vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice ; and let us, with caution, indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle. 'T is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric ?"¹

We need not quote from the successors of Washington.² But we cannot omit one of the strongest official testimonies to religion from the second inaugural of President Lincoln, which is inspired by a sublime view of divine justice and mercy :

"Both [contending parties] read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged. The prayer of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes. Woe unto the world because of offences, for it must needs be that offences come, but woe to that man by whom the offence cometh. If we shall suppose that American slavery is one of these offences which, in the providence of God, must needs come, but which having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offence came, shall we discern there any departure from those Divine attributes which the believers in a living God always ascribe to Him ? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet if God wills that it continue until all the

¹ Sparks, xii. 227.

² Much material of this kind is, uncritically, collected by B. F. Morris, in "Christian Life and Character of Civil Institutions of the United States, developed in the Official and Historical Annals of the Republic." Philadelphia (George W. Childs), 1864. (831 pages.)

wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn by the sword, as was said three thousand years ago, so still it must be said, that the judgments of the Lord are true and righteous altogether.

*"With malice towards none, with charity for all, with firmness in the right as God gives us to see the right, let us finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphans, to do all which may achieve and cherish a just and a lasting peace among ourselves and with all nations."*¹

This document is without a parallel among state papers. Lincoln was of humble origin, defective education, and rugged manners, a fair type of a self-made Western American. In this second inaugural he rose above all political and diplomatic etiquette, and became, unconsciously, the prophet of the deepest religious sentiment of the nation in the darkest hour of its history. A few weeks afterwards he was assassinated, on Good Friday, April 15, 1865, and took his place next to Washington, as the martyr-president, the restorer of the Union, the emancipator of the slaves.²

¹ See the whole address and the stirring scene connected with the re-inauguration in Henry J. Raymond's book, "The Life and Public Services of Abraham Lincoln," New York, 1865, p. 670 *sq.*, and other biographies.

² Lincoln was not a communicant member of any church, though he usually attended the Presbyterian services at Springfield and Washington. But he was a deeply religious man, and rose to the highest eloquence when under the inspiration of a providential view of history, such as appears in his second inaugural. A parallel to it is his remarkable speech at the consecration of the National Soldiers' Cemetery in Gettysburg, Nov. 19, 1863, which will be read long after the formal, classical, but cold oration of Edward Everett will be forgotten. "Fourscore and seven years ago," he said, "our fathers brought forth upon this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now, we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But in a larger sense we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our power to add or detract. The world will little note, nor long remember, what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated

Exemption of Church Property from Taxation.

5. Our government, both Federal and State, respects the sentiment of the great majority of the people by various provisions, which are, perhaps, not strictly constitutional, though not anti-constitutional, and all the more important as voluntary tributes.

The most valuable of these provisions is the exemption of church property from taxation in the Federal District of Columbia, and in nearly all the States. In some States (Minnesota, Kansas, Arkansas) this exemption is secured by the constitution, in others by legislative enactment. No discrimination is made between different creeds and sects. Jewish synagogues are included as well as Roman cathedrals. The Revised Statutes of New York State provide that "every building for public worship" shall be exempt from taxation.

The exemption is a great help to poor churches, but by no means necessary. The people who are able and willing to spend large sums for the erection of church buildings could not plead inability to pay the small sum for the legal protection of their property. All taxation is a burden, but easier to bear for corporations than individuals.

The exemption of property used for religious purposes might be abolished without detriment to religion, but it is founded in justice and can be defended on the same ground as the exemption of government buildings, colleges, public schools, hospitals, and other charitable institutions which make no money and are intended for the benefit of the people. Besides, churches improve the morals of the surrounding community, and raise the taxable value of property.

The Appointment of Chaplains.

6. Another government tribute to the religion of the people is the appointment, at public expense, of chaplains for Congress. The great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people, shall not perish from the earth."

gress (one for the Senate and one for the House of Representatives), for the Army and Navy, and for the military and naval academies. These chaplains are placed among the officers of government on the same footing with other officers. The law requires that they be regularly ordained ministers of some religious denomination, in good standing at the time of their appointment, and be recommended by some authorized ecclesiastical body, or by not less than five accredited ministers of said body. Proper facilities must be provided by the military and naval commanders for the holding of public worship at least once on each Sunday. Chaplains are elected from all denominations, Roman Catholic and Protestant, according to circumstances, most frequently, perhaps, from the Episcopal Church, for the reason that the Book of Common Prayer makes adequate provision for stated liturgical services, which fall in more easily with military discipline than extemporary prayer.

The several States follow the precedent of the United States, and appoint chaplains for the militia, the prisons and penitentiaries, lunatic asylums, and other public institutions, also for the Legislature (to open the session with prayer). They usually require these chaplains to be regularly ordained ministers of a Christian denomination. So does New York, in the act providing for enrolment of the militia, passed April 23, 1862. The prisons are provided with a Bible in each room.

This custom also may be sufficiently justified by the necessity of discipline and the requirement of public decorum.

Congress and the Bible.

7. We may add, as exceptional instances of favor, the patronage extended by the Continental Congress and the United States Congress to the authorized Protestant version and revision of the Sacred Scriptures.

In England, the printing of the authorized version of the Scriptures (without comments) is to this day a monopoly of the university presses of Oxford and Cambridge (which, it must be admitted, issue the work in the best possible man-

ner, in all sizes and at all prices). No edition of the English Bible was printed in America during the entire colonial period of more than a hundred and fifty years.¹ The only Bible which appeared before the Revolution was John Eliot's Indian version (Cambridge, Massachusetts, 1661-1663), and Luther's German version (by Christopher Saur, Germantown, Pennsylvania, 1743, '63, '76).

During the revolutionary war, Bibles became so scarce that Congress was petitioned to publish the book. This was declined, but authority was given to import 20,000 copies from Europe. The first English Bible appeared in Philadelphia, 1782 (Robert Aitken). Congress submitted it to an examination by the two chaplains, Rev. W. White and George Duffield, and then recommended it "to the inhabitants of the United States," and authorized the printer "to publish this recommendation in the manner he shall think proper." This act was passed Sept. 12, 1782.

The favorable legislation of Congress in behalf of the revised version was brought about by the exertions of Colonel Elliott F. Shepard, a member of the Finance Committee of laymen aiding the American Committee on Revision. It saved them several thousand dollars by exempting from the customary duty of twenty-five per cent. as many memorial presentation volumes as they had promised to their patrons for contributions towards the expenses. This Joint Resolution of Congress was approved March 11, 1882.²

It is doubtful whether any European government would pass such an act in favor of the Holy Scriptures. Certainly no Roman Catholic government would do it. These acts of Congress show that the dominant form of American Christianity is Protestant. It has been so from the first settlements, is still, and is likely to abide. The fortunes of Protestantism are inseparably connected with the Bible, and the Bible has lived long enough to justify the belief that it will last as long as the world.

¹ An edition of the English Bible was advertised at Philadelphia Jan. 14, 1688, by William Bradford, but it never appeared, probably because the English copyright was in the way.

² See Document IV.

THE CONNECTING LINKS BETWEEN CHURCH AND STATE.

A total separation of church and state is an impossibility, unless we cease to be a Christian people.

There are three interests and institutions which belong to both church and state, and must be maintained and regulated by both. These are monogamy in marriage, the weekly day of rest, and the public school. Here the American government and national sentiment have so far decidedly protected the principles and institutions of Christianity as essential elements in our conception of civilized society.

Marriage.

Monogamy, according to the unanimous sentiment of all Christian nations, is the only normal and legitimate form of marriage. It has been maintained by Congress, with the approval of the nation, in its prohibitory legislation against the new Mohammedanism in Utah, and the Supreme Court of the United States, the highest tribunal of our laws, has sanctioned the prohibition of polygamy as constitutional. The Mormons have to submit, or to emigrate to more congenial climes.

All the States uphold monogamy and punish bigamy. But some of them, unfortunately, are very loose on the subject of divorce, and a reform of legislation in conformity to the law of Christ is highly necessary for the safety and prosperity of the family. It is to the honor of the Roman Catholic Church in our country that she upholds the sanctity of the marriage tie.

Sunday Laws.

The Christian Sabbath or weekly day of rest is likewise protected by legislation, and justly so, because it has a civil as well as a religious side; it is necessary and profitable for the body as well as for the soul; it is of special benefit to the laboring classes, and guards them against the tyranny of capital. The Sabbath, like the family, antedates the Mosaic legislation, and is founded in the original constitution of man, for whose temporal and spiritual benefit it was instituted by the God of creation. The state has nothing

to do with the religious aspect of Sunday, but is deeply interested in its civil aspect, which affects the whole domestic and social life of a people.

The Federal Constitution, in deference to the national sentiment, incidentally recognizes Sunday by the clause (Art. I., Sect. 7): "If any bill shall not be returned by the President within ten days (*Sundays excepted*) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it." Congress never meets on Sunday, except of necessity, at the close of the short term, to complete legislation if the third of March happens to fall on a Sunday. The President is never inaugurated on a Sunday. The Supreme Court and the Federal Courts are closed on that day. And if the Fourth of July falls on a Sunday, the great national festival is put off till Monday. The Revised Statutes of the United States sustain the observance of Sunday in four particulars. They exempt the cadets at West Point and the students of the Naval Academy from study on Sunday; they exclude Sunday, like the Fourth of July and Christmas Day, from computation in certain bankruptcy proceedings; and provide that army chaplains shall hold religious services at least once on each Lord's Day.

During the civil war, when the Sunday rest was very much interrupted by the army movements, the President of the United States issued the following important order :

"EXECUTIVE MANSION, WASHINGTON, Nov. 15, 1862.

"The President, Commander-in-Chief of the Army and Navy, desires and enjoins the orderly observance of the Sabbath by the officers and men in the military and naval service. The importance, for man and beast, of the prescribed weekly rest, the sacred rights of a Christian people, and a due regard for the Divine will, demand that Sunday labor in the army and navy be reduced to the measure of strict necessity. The discipline and character of the national forces should not suffer, nor the cause they defend be imperilled, by the profanation of the day or name of the Most High. At this time of public distress, adopting the words of Washington, in 1776, 'men may find enough to do in the service of God and their country, without abandoning themselves to vice and immorality.' The first general order issued by the Father of his Country, after the Declaration of Independence, indicates the spirit in which our institutions were founded and should ever be defended :

" ' The General hopes and trusts that every officer and man will endeavor to live and act as becomes a Christian soldier, defending the dearest rights and liberties of his country. ' "
ABRAHAM LINCOLN.

The State legislatures, State courts, and State elections follow the example of the general government, or rather preceded it. The States are older than the United States, and Sunday is older than both.

Most of the States protect Sunday by special statutes.

These Sunday laws of the States are not positive and coercive, but negative, defensive, and protective, and as such perfectly constitutional, whatever Sabbath-breaking infidels may say. The state, indeed, has no right to command the religious observance of Sunday, or to punish anybody for not going to church, as was done formerly in some countries of Europe. Such coercive legislation would be unconstitutional and contrary to religious liberty. The private observance and private non-observance is left perfectly free to everybody. But the state is in duty bound to protect the religious community in their right to enjoy the rest of that day, and should forbid such *public* desecration as interferes with this right.

The Supreme Court of the State of New York, February 4, 1861, decided that the regulation of the Christian Sabbath "as a civil and political institution" is "within the just powers of the civil government," and that the prohibition of theatrical and dramatic performances on that day, "rests on the same foundation as a multitude of other laws on our statute-book, such as those against gambling, lotteries, keeping disorderly houses, polygamy, horse-racing, profane cursing and swearing, disturbances of religious meetings, selling of intoxicating liquor on election days within a given distance from the polls, etc. All these and many others do, to some extent, restrain the citizen and deprive him of some of his natural rights; but the legislature have the right to prohibit acts injurious to the public and subversive of government, or which tend to the destruction of the morals of the people, and disturb the peace and good order of society. It is exclusively for the legislature to determine what acts should be prohibited as dangerous to the community."¹

¹ See the whole decision in Document XI.

The Penal Code of New York, as amended in 1882 and 1883, forbids "all labor on Sunday, excepting works of necessity or charity," and declares "Sabbath-breaking a misdemeanor, punishable by a fine of not less than one dollar and not more than ten dollars, or by imprisonment in a jail not exceeding five days, or by both." Among things expressly prohibited on Sunday, the Penal Code mentions, "all shooting, hunting, fishing, playing, horse-racing, gaming, or other public sports, exercises, or shows"; "all trades, manufactures, agricultural or mechanical employments"; "all manner of public selling or offering for sale of any property" (except articles of food and meals); "all service of legal process of any kind whatever"; "all processions and parades" (except funeral processions and religious processions); "the performance of any tragedy, comedy, opera," or any other dramatic performance (which is subjected to an additional penalty of five hundred dollars).¹

The opposition to the Sunday laws comes especially from the foreign population, who have grown up under the demoralizing influence of the continental Sunday, and are not yet sufficiently naturalized to appreciate the habits of the land of their adoption. But the more earnest and religious portion of German immigrants are in hearty sympathy with the quiet and order of the American Sunday and have repeatedly expressed it in public meetings in New York and other large cities.²

The only class of American citizens who might with justice complain of our Sunday laws and ask protection of the last day of the week instead of the first, are the Jews and the

¹ See "The Penal Code of New York," Title x. ch. i, Of Crimes against Religious Liberty and Conscience.

² See documents of the New York Sabbath Committee, Nos. xv., xvi., xxvi., xxvii., and the author's essays on the Christian Sabbath, in "Christ and Christianity," New York and London, 1885, pp. 213-275. The most recent German demonstration in protection of the Sunday and Excise laws took place November 1, 1887, at a mass meeting in Cooper Institute, New York, against the "Personal Liberty Party," which would claim the half of Sunday from 2 P.M. till midnight for the special benefit of the liquor trade, while all other trades are prohibited. All the speeches were made in the German language and met with enthusiastic applause.

Seventh Day Baptists. But they are a small minority, and must submit to the will of the majority, as the government cannot wisely appoint two weekly days of rest. The Revised Statutes of New York, however, provide that those who keep "the last day of the week, called Saturday, as holy time, and do not labor or work on that day," shall be exempted from the penalties of the statute against labor on Sunday, provided only that their labor do not "interrupt or disturb other persons in observing the first day of the week as holy time." The law of New York exempts also the same persons from military duty and jury duty on Saturday.

The United States present, in respect to Sunday legislation and Sunday observance, a most striking contrast to the Continent of Europe, both Protestant and Roman Catholic, where Sunday is perverted from a holy day of rest and worship into a frivolous holiday of amusement and dissipation, dedicated to beer gardens, theatres, horse-races, and political elections. Judged by the standard of Sunday observance, America is the most Christian country in the world, with the only exceptions of England and Scotland.

Religion in Public Schools.

The relation of state education to religion is a most important and most difficult problem, which will agitate the country for a long time. It is increased by a difference of views within the religious denominations themselves; while on the questions of monogamy and Sunday they are substantially agreed.

The Roman Catholics, under the dictation of the Vatican, oppose our public schools, which are supported by general taxation, for the reason that *their* religion is not taught there, and that a "godless" education is worse than none. They are right in the supreme estimate of religion as a factor in education, but they are radically wrong in identifying the Christian religion with the Roman creed, and very unjust in calling our public schools "godless." They must learn to appreciate Protestant Christianity, which has built up this country and made it great, prosperous, and free. Their

Church enjoys greater liberty in the United States than in Italy or Spain or Austria or France or Mexico, and for this they should at least be grateful. They will never succeed in overthrowing the public school system, nor in securing a division of the school funds for sectarian purposes. They have a remedy in private and parochial schools, which they can multiply without let or hindrance. There is no compulsory attendance on public schools in any of our States. The only point of reasonable complaint from Catholics is that they are taxed for the support of public schools which they condemn. Strict justice would exempt them from the school tax. But the principal tax-payers are wealthy Protestants, who, for various reasons, prefer to educate their children in private schools at their own expense. The right of minorities should be protected by all means save the destruction of the rights of the majority, which must rule in a republican country. The Roman Catholics would act more wisely and patriotically by uniting with the religious portion of the Protestant community in every effort to improve the moral character of the public schools. They may be sure of a cordial disposition to meet them in every just and reasonable demand. Protestants are just as much concerned for the religious and moral training of their children as they.

The public school is and ever will be an American institution from the Atlantic to the Pacific. It dates from early colonial days in New England, and has always been, next to the church, the chief nursery of popular intelligence, virtue, and piety. The Continental Congress, in the ordinance of 1787 (Article III.), enjoined it upon the territory northwest of the Ohio River, that "schools and the means of education shall forever be encouraged," because "religion, morality, and knowledge are necessary to good government and the happiness of mankind." The public school system grows and aims higher every year. It is not satisfied with elementary instruction, but aims at a full college and university education, at least in the West, where large landed endowments come to its aid. The state has the right and the duty to educate its citizens for useful citizenship, and should

give the poorest and humblest the benefit of a sufficient training for that purpose. A democratic republic based upon universal suffrage depends for its safety and prosperity upon the intelligence and virtue of the people. But virtue is based on religion, and the obligations of man to man rest upon the obligations of man to his Maker and Preserver. Intellectual training without moral training is dangerous, and moral training without religion lacks the strongest incentive which appeals to the highest motives, and quickens and energizes all the lower motives. Who can measure the influence of the single idea of an omniscient and omnipresent God who reads our thoughts afar off and who will judge all our deeds? The example of Christ is a more effectual teacher and reformer than all the moral philosophies, ancient and modern.

The state recognizes the importance of religion by allowing the reading of the Bible, the singing of a hymn, and the recital of the Lord's Prayer, or some other prayer, as opening exercises of the school. I am informed by competent authority that at least four fifths of the public schools in the United States observe this custom.¹ Most of the school teachers, especially the ladies, are members of evangelical churches, and commend religion by their spirit and example. To call such schools "godless" is simply a slander.

Some schools exclude the Bible to please the Roman Catholics, who oppose every *Protestant* version, and the Jews and infidels who oppose Christianity in any form. Other schools have found it necessary to reintroduce religious exercises for the maintenance of proper discipline.

¹ E. E. White, LL.D., Superintendent of Public Schools in Cincinnati, in his paper read before the National Educational Association in Topeka, Kansas, July 15, 1886, says (p. 10): "The great majority of American schools are religious without being sectarian; and it is high time that this fact were more universally recognized. It is doubtless true that the most impressive forms of presenting religious sanctions to the mind and heart of the young are prayer, silent or spoken, and the reverent reading of the Bible, especially those portions that present human duty in its relations to the Divine Will—forms still permitted and widely used in four fifths of the American schools"

The Catholics certainly have a right to demand the Douay version as a substitute for that of King James, and both might be read, the one to the Catholic, the other to the Protestant pupils; but they are at heart opposed to the free and independent atmosphere of thought which prevails in the schools of a Protestant community, and which is dangerous to the principles of authority and absolute obedience to the priesthood. It is vain, therefore, to expect to satisfy them by the exclusion of the Bible from the public school, which is advocated by many Protestants as a peace measure. It is better to hold on to the time-honored custom of holding up before the rising generation day by day a short and suitable lesson from the Book of books, no matter in what version. The Psalms contain the sublimest lyrical poetry; the Lord's Prayer is the best of all prayers: the Sermon on the Mount is more popular and beautiful than any moral essay; and the thirteenth chapter of First Corinthians is the most effective sermon on charity. A competent committee of clergymen and laymen of all denominations could make a judicious selection which would satisfy every reasonable demand. With unreason even the gods fight in vain.

The reading of brief Bible lessons, with prayer and singing, is a devotional exercise rather than religious instruction, but it is all that can be expected from the state, which dare not intermeddle with the differences of belief. Positive religious instruction is the duty of the family, and the church, which has the commission to teach all nations the way of life. The state cannot be safely intrusted with this duty. It might teach rationalism, as is actually done in many public schools and universities of Germany, Holland, and Switzerland.

But the state may allow the different denominations to monopolize certain school hours in the school building for religious instruction. In this way the problem of united secular and separate religious education could be solved, at least to the reasonable satisfaction of the great majority. Possibly the more liberal portion of our Roman Catholic

fellow-citizens might agree to such a compromise. In communities which are sufficiently homogeneous, one teacher would answer; in others, two or more might be chosen, and the children divided into classes according to the will of the parents or guardians.

The state is undoubtedly competent to give instruction in all elementary and secular or neutral branches of learning, such as reading and writing, mathematics, languages, geography, chemistry, natural science, logic, rhetoric, medicine, law, etc. The difficulty begins in history and the moral sciences which deal with character, touch upon religious ground, and enjoin the eternal principles of duty. A history which would ignore God, Christ, the Bible, the Church, the Reformation, and the faith of the first settlers of this country, would be nothing but a ghastly skeleton of dry bones. An education which ignores the greatest characters and events and the most sacred interests in human life must breed religious indifference, infidelity, and immorality.

But the people will not allow this as long as they remain religious and Christian. Parents will not send their children to godless schools. They have the power in their own hands; they appoint the school boards, and through them the teachers. This is a government "of the people, by the people, and for the people." Republican institutions are a blessing or a curse according to the character of those who administer them. And so it is with our public schools. All depends at last upon competent and faithful teachers. If the teachers fear God and love righteousness, they will inspire their pupils with the same spirit; if they do not, they will raise an infidel generation, notwithstanding the reading of the Bible and the teaching of the Catechism. It is in the interest of the educational institutions of the several States, and indispensable to their well-being, that they should maintain a friendly relation to the churches and the Christian religion, which is the best educator and civilizer of any people.

Whatever defects there are in our public schools, they can be supplied by the Sunday-schools, which are multiplying

and increasing in importance with the growth of the country ; by catechetical instruction of the pastor, which ought to be revived as a special preparation for church membership ; and by private schools, academies, and denominational colleges and universities. The church is perfectly free and untrammelled in the vast work of education, and this is all she can expect. If she does her full duty, America will soon surpass every other country in general intelligence, knowledge, and culture. Here is an opportunity for every man to become a gentleman, for every woman to become a lady, and for all to become good Christians. This is the ideal, but when will it be realized?

EFFECTS OF SEPARATION OF CHURCH AND STATE.

Whatever may be the merits of the theory of the American system, it has worked well in practice. It has stood the test of experience. It has the advantages of the union of church and state without its disadvantages. It secures all the rights of the church without the sacrifice of liberty and independence, which are worth more than endowments. Not that endowments are to be despised, or are inconsistent with a free church. They are rapidly increasing in America by more than princely donations and the rise of real estate. Literary and theological institutions ought to be liberally endowed, and every congregation ought to have a church building and a parsonage free of debt. The Trinity Episcopal Church, and the Collegiate Reformed Dutch Church, both of New York City, are enabled by their enormous wealth to aid many charities and missions. Yet experience teaches that endowed churches are generally less liberal than churches which depend upon the constant flow of voluntary contributions.

The necessary consequence of the separation of church and state is the voluntary principle of self-support and self-government. Christianity is thrown upon its own resources. It has abundantly shown its ability to maintain itself without the secular arm of the government. It did so even during the first three centuries under a hostile and persecuting gov-

ernment, when every congregation was a benevolent society, and provided for the poor, the sick, the stranger, and the prisoner, to the astonishment of the heathen.

1. The voluntary system develops individual activity and liberality in the support of religion ; while the state-church system has the opposite tendency. Where the treasure is, says Christ, there is the heart also. Liberality, like every virtue, grows with exercise and gradually becomes a second nature. The state gives to the church as little as possible, and has always more money for the army and navy than for religion and education.

In large cities on the Continent there are parishes of fifty thousand souls with a single pastor ; while in the United States there is on an average one pastor to every thousand members. It seems incredible that Berlin, the metropolis of the German Empire and of Protestant theology, should in 1887 have no more than about sixty church edifices for a population of twelve hundred thousand ; while the city of New York counts five times as many churches for the same number of population, and in connection with them over four hundred Sunday-schools.¹ No wonder that only about two per cent. of the inhabitants of Berlin are said to attend church, though nearly all are baptized and confirmed. And yet there are as good Christians in that city, from the highest to the lowest classes, as anywhere in the world.

The Free churches in Switzerland and Scotland and the Dissenting churches in England teach the same lesson, and by their liberality put the established churches to shame.

The progress of the United States is the marvel of modern history, in religion, no less than in population, commerce, wealth, and general civilization. Though not much older than a century, they have in this year 1887, with a popula-

¹ From "Trow's New York City Directory" for 1887 we learn that the number of churches and chapels in New York is 431. This aggregate does not include the Sunday-schools and small missions in all sections of the city. Among these churches 74 are Protestant Episcopal, 66 Roman Catholic, 66 Methodist Episcopal, 59 Presbyterian, 41 Baptist, 23 Dutch Reformed, 7 Congregational, 20 Lutheran, 32 Synagogues, and 43 of other bodies, of small size or of independent character.

tion of about sixty millions, no less than 132,434 churches or congregations, 91,911 ministers of the gospel, and 19,018,917 communicants. Church property, on an average, has doubled every decade; it amounted in 1870 to \$354,483,581, and if it goes on increasing at the same rate, it will reach in 1900 the sum of nearly three billions. The number of theological schools exceeds one hundred and fifty, and a few of them are not far behind the theological faculties of the twenty-two universities of Germany.

The enormous immigration must, of course, be taken into account in the growth of the country; but the modern immigration is not prompted by religious motives, as was the immigration in the colonial period, and contributes less to our religious progress, than to our religious destitution. Even the better class of immigrants, with many noble exceptions, are behind the native Americans in the support of religion, not from fault of nature or disposition, but from want of practice and from the bad effects of the state-church system of providing,¹ under which they have been brought up.

2. The necessity of self-support of the church at home does not diminish but increase the active zeal for the spread of the gospel abroad. Liberality in one direction creates liberality in every other direction. Those who give most for one good cause, generally give most for other good causes.

All foreign missionary operations of Christendom rest on the voluntary principle. A state-church, as such, has no interest and care for religion beyond its geographical boundaries, and leaves the conversion of the heathen to voluntary societies. Free churches, if they have the proper spirit, carry on missions in their corporate capacity, and expect every congregation and member to contribute according to ability. Each denomination has its own foreign and domestic missionary society. There are flourishing American missions in India, China, Japan, South Africa, Syria, Turkey, and the new settlements of the West are supplied with ministers from the East. In Europe the missionaries have to be trained in special institutions (as at Basel, Barmen,

¹ The *staatskirchliche Versorgungssystem*, as the Germans would call it.

Berlin), as the universities furnish very few missionaries; while the theological seminaries of the United States send annually a number of their best graduates to destitute fields at home and abroad.

3. The voluntary system develops the self-governing power of the church in the laity, and trains elders, deacons, church wardens, treasurers, debaters, and all sorts of helpers in the government and administration of ecclesiastical affairs. In state-churches the laity are passive, except as far as they are engaged in missionary, charitable, and other voluntary societies and enterprises.

4. The free-church system secures the exercise of church discipline, which is almost impossible in state-churches, and provides a purer and more efficient ministry. In state-churches the study of theology is pursued like any other profession, and the state looks only at theoretical qualifications. Teachers of theology in continental universities are appointed by the government for the promotion of theology as a science, without regard to orthodoxy and religious character, unless the minister of public worship and instruction or the sovereign happens to be concerned for these qualifications. A professor may reject or doubt half of the canon of the Bible, deny its inspiration, the holy Trinity, the divinity of Christ and the Holy Spirit, without losing his place. The church may protest, but her protest is in vain. In America, where the church appoints and supports her own officers, such anomalies are impossible, or, at all events, only exceptional. No one is expected to enter the ministry or to teach theology who is not prompted by high spiritual motives, and in cordial sympathy with the creed of his denomination. Hence the Protestant churches in America are more orthodox and active than in Europe. Theology, as a science, is not cultivated to such an extent as in Germany, but it moves more in harmony with the practical life and wants of the churches; every lecture is opened with prayer, and the day closes with devotional exercises of the professors and students.

5. The inevitable division of the Church into an indefinite

number of denominations and sects is made the strongest objection to the free-church system by the advocates of ecclesiastical establishments. But free separation is more honest than forced union. Nearly all our divisions are inherited from Europe; the only difference is that there they exist in the form of sects and parties, here on a basis of legal equality. In England there are fully as many denominations as here.¹ The leading denominations of the United States can be reduced to seven families, the rest are subordinate branches. If church and state were separated on the Continent, the theological schools which now antagonize each other under the same state-church roof would organize themselves into separate denominations.

The tendency to division and split is inherent in Protestantism, and it must be allowed free scope until every legitimate type of Christianity is developed and matured. The work of history is not in vain. But division is only a means to a higher unity than the world has yet seen. The majestic and rock-built cathedral of the papacy represents authority without freedom, and unity without variety. True unity must rest on liberty and include the greatest variety. There is more real union and friendship between the different denominations in America than there is between the different theological schools and parties in the state-churches of Europe. The dangers of liberty are great, but no greater than the dangers of authority, which may lead to grinding and degrading despotism. America has cast her lot with the cause of freedom, and must sink or swim, perish or survive with it. The progress of history is a progress of freedom. Let us stand fast in the freedom wherewith Christ has made us free. (Gal. v., 1.) We must believe in the Holy Spirit, the author and giver of life, who will never forsake the church, but lead her higher and higher even unto perfection.

¹ Or even more, if we are to credit "The Statesman's Year-Book for 1887" (London, 1887), which says (p. 218): "There are altogether 180 religious denominations in Great Britain, the names of which have been given in to the Registrar-General of Births, Deaths, and Marriages." This incredible number must include all sorts of societies which no sensible man would call a church or a sect.

God has great surprises in store. The Reformation is not by any means the last word He has spoken. We may confidently look and hope for something better than Romanism and Protestantism. And free America, where all the churches are commingling and rivalling with each other, may become the chief theatre of such a reunion of Christendom as will preserve every truly Christian and valuable element in the various types which it has assumed in the course of ages, and make them more effective than they were in their separation and antagonism. The denominational discords will be solved at last in the concord of Christ, the Lord and Saviour of all that love, worship, and follow Him. There is no room for fear and discouragement under the banner of the Cross which still bears the device: *Τούτῳ νικά.*¹

RELIGIOUS LIBERTY IN MODERN EUROPE.

In conclusion we must briefly survey the influence of the American system upon foreign countries and churches.

Within the present generation the principle of religious liberty and equality, with a corresponding relaxation of the bond of union of church and state, has made steady and irresistible progress among the leading nations of Europe, and has been embodied more or less clearly in written constitutions. The French revolution of 1830, the more extensive revolutions of 1848, and the great events of 1866 and 1870 have broken down the bulwarks of intolerance, and prepared the way for constitutional changes.

The successful working of the principle of religious freedom in the United States has stimulated this progress without any official interference. All advocates of the voluntary principle and of a separation of church and state in Europe point to the example of this country as their strongest practical argument.

The separation of church and state is a far more difficult task in Europe than it was in America. There the union of the two powers is interwoven with the history of the past and with every fibre of national life. It has still great advan-

¹ *Hoc signo vince.*

tages: it secures an orderly administration, and a comfortable support to the clergy; it gives the church access to the whole population and brings all the young under religious instruction. In most countries of Europe, Catholic as well as Protestant, the state has secularized the landed and other possessions of the church, and in supporting the clergy, it only pays the interest of a debt assumed. The state is not likely to surrender the church property, and to lose its power over the clergy by making it independent; while the clergy is not disposed to give up its claim and to entrust itself to the good-will of the congregations for its daily bread. The United States never possessed any church property, and never meddled with ecclesiastical affairs except to protect them by law.

Nevertheless the basis on which the union of church and state is founded, namely the identity of the community of citizens and the community of Christians of one creed, no longer exists, and acts of uniformity in religion have become an impossibility. The state has sacred obligations to all its citizens, and dare not promote a creed at the expense of justice and humanity. The mixed character of the population as regards their religious convictions peremptorily demands concessions to dissenters, and every such concession or act of toleration is a weakening of the bond of union between church and state, until at last a separation becomes inevitable. This at least is the tendency of things in modern Europe. There are few intelligent advocates of state-churchism, at least in Protestant countries, who will not concede the necessity of toleration as a simple act of justice, or even go further and admit the principle of free-churchism, namely that the profession of religion ought to be voluntary, and that the church ought to support and to govern herself. The internal controversies of Christendom should be fought out on the basis of freedom without fear and favor of the secular power.

Great Britain.

England is the mother of the United States, though she acted more like a step-mother in colonial days. Our lan-

guage, laws, customs, and religion, and our conception of liberty and self-government, are derived from her. Without the Magna Charta, the Petition of Right, and the Bill of Rights—the three documents which Lord Chatham called the Bible of the English Constitution,—there would be no American Constitution, which embodies their most valuable guarantees of personal and national freedom.¹

The era of religious uniformity and consequent persecution, which sent so many of England's best citizens to the wild woods of North America, closed with the expulsion of the tyrannical and treacherous dynasty of the Stuarts and the Act of Toleration of 1689. The benefit of this act was subsequently enlarged, and extended to Unitarians (1813), to Roman Catholics (1829), and at last to the Jews (1858), all of whom may now be represented in Parliament. Practically there is as much civil and religious liberty and as much religious activity in England and Scotland as in the United States, and the voluntary principle, owing in part to the good example set by dissenters, has made wonderful progress within the established church itself.

But nominally and legally the Queen is still the supreme governor, both of the Episcopal Church of England, and of the Presbyterian Church of Scotland; and as Empress of India she is bound to protect the Hindoo religion of her subjects. Presbyterians are dissenters in England; while Episcopalians are dissenters in Scotland. The Queen changes her churchmanship and dissentership twice every year, as she passes from Windsor to Balmoral and back again. This

¹ Francis Lieber ("On Civil Liberty and Self-Government," p. 260) says: "American liberty belongs to the great division of Anglican liberty [as distinguished from Gallican liberty]. It is founded upon the checks, guarantees, and self-government of the Anglican race. The trial by jury, the representative government, the common law, self-taxation, the supremacy of the law, publicity, the submission of the army to the legislature . . . form part and parcel of our liberty. There are, however, features and guarantees which are peculiar to ourselves, and which, therefore, we may say constitute American liberty. They may be summed up, perhaps, under these heads: Republican federalism, strict separation of the state from the church, greater equality and acknowledgment of abstract rights in the citizen, and a more popular or democratic cast of the whole polity."

double headship—leaving out the sex—is a strange anomaly, and without a shadow of precedent in the Bible or antiquity. It dates from Henry VIII. and Queen Elizabeth. It cannot last much longer. The dissenters are uneasy and discontented with their status of legal and social inferiority, and a large class of Episcopalians feel equally discontented with the subserviency of their own church to the royal supremacy and to a Parliament composed no more exclusively of churchmen, but also of dissenters, Jews, and Gentiles. In England and Wales the dissenters numbered in 1883 nearly one half of the population (12,500,000 to 13,500,000 Episcopalians), and in Scotland, the Free Church and United Presbyterian Church, even without the non-Presbyterian communions, are nearly as strong as the established Kirk.

In Ireland the Church of England was disestablished in 1869 under the leadership of a high-church Episcopalian prime minister, who in his youth had written an elaborate defence of the union of church and state.¹ Mr. Gladstone has not changed his religion, but he has changed his politics. After years of practical experience in government, he found it impossible to maintain his views in the mixed character of the modern state, without doing injustice to a large portion of the people. At the union of England and Ireland in 1801, it was enacted that the Churches of England and Ireland were forever to form one Protestant Episcopalian Church; and this was to be a fundamental part of the union between the two countries. The Irish were forced to support a religion which was professed only by a small minority, and which was hated as heretical and tyrannical by three fourths of the population.

¹ William Ewart Gladstone: "The State in its Relations with the Church." 4th ed. London, 1841. 2 vols. The famous critique of Macaulay in the "Edinburgh Review" for April, 1839, is very respectful to the author, but very severe on his theory, which, he says, ought to be built on "buttresses of adamant," but is "made out of flimsy materials fit only for perorations." For a more recent defence and exposition of Anglican state-churchism, see Roundell, Earl of Selborne: "A Defence of the Church of England against Disestablishment" (London, 1886); also Hon. Arthur Elliot: "The State and the Church" (London, 1882).

The wonder is, that such an anomaly could continue so long and be defended by good men misguided by hereditary prejudice. The disestablishment and disendowment of the Anglican Church in Ireland, accompanied by proper compensation or commutation, was an act of simple justice, and has resulted in giving greater efficiency to the Episcopal and other Protestant bodies.

Since that time all Christian denominations in Ireland are placed on a footing of legal equality, and each manages its affairs independently in its own way. This state of things would have appeared impossible not only to Englishmen before the Reformation, when all citizens were Roman Catholics, but also to Protestant Englishmen during the times when the principle of uniformity in religion prevailed. Now this principle is universally abandoned as oppressive, unjust, and unreasonable.

Whether disestablishment will follow in Scotland, Wales, and at last even in England, is only a question of time. True religion in these countries will be the gainer. The Free Church of Scotland started with the establishment principle, but has abandoned it under the influence of successful experience.

Switzerland.

Switzerland approaches nearest the United States in her republican organization, though differing in nationality and language. She is the oldest republic in Europe, dating from "the eternal covenant" of Uri, Schwyz, and Unterwalden, which was concluded August 1, 1291.¹

¹ See Dr. Bluntschli (a native of Zürich, Professor of Legal Science at Heidelberg, d. 1881): "*Geschichte des Schweizerischen Bundesrechtes von den ersten ewigen Bünden bis auf die Gegenwart*," 2d ed. Stuttgart, 1875. 2 vols. The second volume contains the documents. The first covenant of 1291 is in Latin, and begins: "*In nomine Domini. Amen.*" This form is followed in the later covenants. The sacred oath of the men in Grütli, on the Lake of the Four Cantons, in 1308, was a renewal of the covenant of 1291, and followed by the expulsion of the foreign rulers appointed by King Albrecht of Austria. On Dec. 9, 1315, after the memorable battle of Morgarten, the covenant was again renewed at Brunnen. The story of William Tell, immortalized by the historic skill of Johann von Müller, and still more by the poetic genius of Schiller, is unfortunately a myth, though with a kernel of truth "*Auch die Geschichte*

Originally the Swiss republic was a loose, aristocratic confederacy of independent cantons, and recognized only one religion, the Roman Catholic, in the middle ages, and two after the Reformation, the Roman Catholic and the Reformed (*i. e.*, the church reformed by Zwingli and Calvin).

In 1848, after the defeat of the *Sonderbund* of the Roman Catholic cantons, which obstructed all progress, the constitution was entirely remodelled on democratic principles, and after the American example. The confederacy of cantons was changed into a federal state with a representation of the people, and with a central government acting directly upon the people. The legislative branch of the government (*Bundesversammlung*, Congress) was divided into two houses,—the *Ständerath*, corresponding to our Senate, and consisting of forty-four deputies of the twenty-two cantons (which constituted the old Diet), and the *Nationalrath*, or House of Representatives, elected by the vote of the people according to population (one to every 20,000 souls). The executive department or *Bundesrath* consists of seven members, appointed by the two branches of the legislature for three years. They constitute the cabinet. The President (*Bundespräsident*) and the Vice-President of the republic are not elected by the people, as in the United States, but by the cabinet out of their number, and only for one year. The judicial department or supreme court (*Bundesgericht*) consists of eleven judges elected by the legislature for three years, and decides controversies between the cantons, etc.¹

The constitution of 1848 was again revised and still more centralized May 29, 1874, with reference to the relation of the Federal government to railroads, post, and telegraphs, liberty of commerce, emigration, etc. The revision was sub-

von Tell" (says Bluntschli, I., 69), "*welcher den Vogt Gessler erschoss, weil er in ihm den freien Mann verhöhnt und den Vater geschändet hatte, enthält, wenn sie auch im Verfolg sagenhaft geschmückt wurde, doch einen ächten Zug des schweizerischen Nationalcharakters, und ist deshalb auch so populär geworden.*"

¹ Comp. Rüttimann: "Das nordamerikanische Bundesstaatsrecht verglichen mit den politischen Einrichtungen der Schweiz." Zürich, 1867-72. 2 vols.

mitted to the vote of the people and accepted April 10, 1874, by 340,199 votes against 198,013, and by fourteen and a half of the cantons.

The Constitution of 1848 guaranteed "the free exercise of divine worship to the recognized confessions" (*i. e.* the Roman Catholic and Reformed), but forbade the order of the Jesuits.¹ The Constitution of 1874 goes further and comes nearer the American Constitution by declaring, without qualification, that freedom of belief and conscience are inviolable, that no one can be forced to accept or support a religion, or be punished on account of religious views, and that the free exercise of worship is secured within the limits of morality and public safety.² But the same Constitution, like that of 1848, excludes the order of the Jesuits and affiliated orders from Swiss territory, and prohibits their members to exercise any kind of activity in church or school.³ The same prohibition may be extended to other spiritual orders which are deemed dangerous to the state or which disturb the peace of the confessions.⁴ The Constitution for-

¹ Arts. 44 and 58.

² Art. 49. "*Die Glaubens- und Gewissensfreiheit ist unverletzlich—Niemand darf zur Theilnahme an einer Religionsgenossenschaft, oder an einem religiösen Unterricht, oder zur Vornahme einer religiösen Handlung gezwungen, oder wegen Glaubensansichten mit Strafen irgend welcher Art belegt werden. Ueber die religiöse Erziehung der Kinder...* erfülltten 16. Altersjahr verfügt im Sinne vorstehender Grundsätze an. Inhaber der väterlichen oder vormundschaftlichen Gewalt. Die Ausübung bürgerlicher oder politischer Rechte darf durch keinerlei Vorschriften oder Bedingungen kirchlicher oder religiöser Natur beschränkt werden. Die Glaubensansichten entbinden nicht von der Erfüllung der bürgerlichen Pflichten. Niemand ist gehalten, Steuern zu bezahlen, welche speciell für eigentliche Kultuswecke einer Religionsgenossenschaft, der er nicht angehört, auferlegt werden."

Art. 50. "*Die freie Ausübung gottesdienstlicher Handlungen ist innerhalb der Schranken der Sittlichkeit und der öffentlichen Ordnung gewährleistet.*"

³ Art. 51. "*Der Orden der Jesuiten und die ihm affiliirten Gesellschaften dürfen in keinem Theile der Schweiz Aufnahme finden, und es ist ihren Gliedern jede Wirksamkeit in Kirche und Schule untersagt.*"

⁴ Art. 51, Sec. 2. "*Dieses Verbot kann durch Bundesbeschluss auch auf andere geistliche Orden ausgedehnt werden, deren Wirksamkeit staatsgefährlich ist oder den Frieden der Konfessionen stört.*" Under this restriction the Salvation Army was scandalously persecuted in several places of republican Switzerland in 1883 and 1884.

bids moreover the establishment of new or the re-establishment of abolished convents and religious orders.¹

These restrictions are un-American, and an abridgment of religious liberty.

There is another important difference between the two countries. The principle of religious liberty has not yet worked its way into the several cantons of Switzerland. Each canton has still its own established church—either Roman Catholic or Reformed—supported and ruled by the civil magistrate. In recent times the politicians and so-called “reformers” have controlled the church in the interest of prevailing rationalism, and have forced the faithful adherents of the Reformation creeds to found free churches, in Geneva, the Canton de Vaud, and Neuchatel. The advanced liberal or radical party in Switzerland is very illiberal and intolerant towards positive Christianity. It would be far better if the connection between church and state in the different cantons were dissolved, and religion allowed to take its natural course. But the politicians will not surrender their control over religion.

The free churches in French Switzerland have shown a high decree of spiritual vitality and liberality.

The German Empire.

The German Empire, which arose under the leadership of Prussia from the brilliant victories over Austria in 1866, and over France in 1870, was proclaimed, by a striking nemesis of history, at Versailles in the palace of the persecutor of the Huguenots, the destroyer of the Palatinate and the robber of Alsace, Louis XIV., Jan. 18, 1871.² It marks an immense progress of liberty over the German Roman Empire, which lasted eight hundred years, from the coronation of Charle-

¹ Art. 52. “*Die Errichtung neuer und die Wiederherstellung aufgehobener Klöster oder religiöser Orden ist unsulässig.*”

² The historian Leopold von Ranke is reported to have said, in reply to a question of Mons. Thiers during the Franco-German war in 1870, that Germany was making war, not upon Napoleon, not upon the French republic, least of all upon the French nation—but upon Louis XIV. Thiers, himself a distinguished historian, wondered at the long memory of the Germans.

magne by Pope Leo III. (800), to the resignation of Francis II. (1806), and over the feeble German Confederacy, which after a brief interregnum succeeded it for a short period (1815-1866).

The German Empire differs widely from the American Republic by its monarchical basis and hereditary principle, but nevertheless resembles it in several important respects. Both owe their origin to secular causes, and emerged successfully from a war of self-defence, the one against Great Britain, the other against France. Both are compact federal states,¹ with a strong central sovereignty which acts directly upon the people, as distinct from a loose confederacy of independent States,² such as were the ancient leagues of Greece, the American Confederation before 1787, the Swiss Confederacy before 1848, and the German *Bund* which expired in 1866. Both are confined to political and civil interests, and have no direct or official connection with the church, but leave religion to the several States, and dare not interfere with them. Every State of Germany has its own independent state church, with more or less toleration for "sects." There is no such thing as an imperial church (*Reichskirche*), any more than there is a national American church; there is not even such an organic connection between the different Protestant churches of the same confession, as exists in the United States.³ Each church is confined to the geographical boundaries of the State. *Cujus regio ejus religio*. This condition dates from the Diet of Spire, 1526, which allowed every German State to act on the question of the Reformation according to its own sense of duty to God and the emperor. The Westphalia Treaty of 1648 confirmed the equal rights of the two contending churches. But the Pope never consented to even this limited toleration and will always protest against it. The Papal Syllabus of 1864 condemns religious toleration among the eighty heresies of the age. The Roman Church

¹ *Bundesstaat*.

² *Staatenbund*.

³ The only quasi-official bond of union between them is the so-called Eisenach Conference, which meets once a year at Eisenach for the purpose of securing co-operation in a few matters of general interest, such as the revision of the Luther Bible.

acknowledges no other church, and cannot do it consistently. She knows no geographical and national boundaries, and rallies around the common centre of the Vatican "vicegerent of God on earth." She must submit, of course, to hard necessity, but does it under protest: *Non possumus*.

The Constitution of the German Empire, dated April 14, 1871, if we except the words, "of God's grace" (*von Gottes Gnaden*), attached to the name of the emperor, says nothing about religion, and requires no religious tests as qualification for civil and political offices under the national government. Consequently the imperial Parliament is accessible to men of all creeds or of no creed.¹

The principle of the freedom of conscience and worship, and the equality of the religious confessions before the law was first proclaimed as one of the fundamental rights of the German people by the Frankfort Parliament in 1849, and adopted by several States (Prussia, Saxony, etc.). The North German *Bund*, by an imperial law of July 3, 1869, proclaimed the same principle, and abolished all remaining restrictions of civil and political rights on account of religion which existed in the various States.² This law passed into the legislation of the whole empire in 1871.³

¹ "Verfassung des deutschen Reichs von Dr. Ludwig von Rönne." Berlin, 3d ed., 1878.

² The law of July 3, 1869, is as follows: "*Alle noch bestehenden, aus der Verschiedenheit des religiösen Bekenntnisses hergeleiteten Beschränkungen der bürgerlichen und staatsbürgerlichen Rechte werden hierdurch aufgehoben. Insbesondere soll die Befähigung zur Theilnahme an der Gemeinde- und Landesvertretung zur Bekleidung öffentlicher Aemter vom religiösen Bekenntnis unabhängig sein.*"

³ Dr. L. von Rönne, "Das Staatsrecht des deutschen Reiches" (2d ed., Leipzig, 1877, 2 vols.), vol. i. p. 176: "*Die Verfassung des Deutschen Reiches enthält zwar keine Bestimmung über die Glaubens- und Religionsfreiheit im Reiche, allein schon das Reichsgesetz vom 1 November, 1867, über die Freizügigkeit, welches im ganzen Gebiete des Reiches Geltung hat, bestimmt im § 1, dass keinem Reichsangehörigen um des GLAUBENSBEKENNTNISSES willen der Aufenthalt, die Niederlassung, der Gewerbebetrieb oder der Erwerb von Grundeigenthum verweigert werden darf. Der hierdurch anerkannte Grundsatz der Glaubens und Religionsfreiheit hat demnächst seinen erweiterten Ausdruck gefunden in dem Reichsgesetze vom 3 Juli, 1869, betreffend die Gleichberechtigung der Konfessionen in bürgerlicher und staatsbürgerlicher Beziehung. Dieses*

So far the German Empire is committed to the principle of religious liberty and equality as much as the United States, and can as little interfere with the religious convictions and the exercise of public worship, or deny to any citizen his civil and political rights on account of his religious opinions. The only restriction in both countries is, that a man's religion cannot excuse him from the duties of citizenship.

für das Gebiet des Norddeutschen Bundes erlassene Gesetz trat in Folge des Art. 80, Ziffer 1, Nr. 20 der mit Baden und Hessen vereinbarten Bundesverfassung mit dem 1. Januar, 1871, auch in Baden und Südhessen, ferner von demselben Zeitpunkte an, zufolge des Art. 1 und des Art. 2, Nr. 6 des Bündnisvertrages vom 25. November, 1870, auch in Württemberg, und endlich in Bayern zufolge des § 2, Ziffer 1, Nr. 10 des Reichsgesetzes vom 22. April, 1871, vom Tage der Wirksamkeit dieses Reichsgesetzes an in Kraft. Dagegen ist die Einführung des Gesetzes in dem Reichslande Elsass-Lothringen nicht erfolgt. Das Gesetz bestimmt, dass alle im Geltungsbereiche desselben noch bestehenden, aus der Verschiedenheit des religiösen Bekenntnisses hergeleiteten Beschränkungen der bürgerlichen und staatsbürgerlichen Rechte aufgehoben werden, und dass insbesondere die Befähigung zur Theilnahme an der Gemeinde- und Landesvertretung und zur Bekleidung öffentlicher Aemter vom religiösen Bekenntnisse unabhängig sein soll."

Comp. Georg Meyer, "Lehrbuch des deutschen Staatsrechtes" (Leipzig, 1878), pp. 575 sqq., and 610, "Die Reichsgesetzgebung" (he says, p. 610) "hat, indem sie allen Reichsangehörigen das Recht der freien Niederlassung im ganzen Reichsgebiet gewährleistet, und jede aus der Verschiedenheit der Confessionen fließende Ungleichheit der bürgerlichen und politischen Rechte ausschliesst, den Einzelstaaten die Befugnis entzogen, bestimmten Religionsgesellschaften die Aufnahme im Staatsgebiet zu verweigern. Die Reprobation einer Religionsgesellschaft kann künftighin nur im Wege der Reichsgesetzgebung stattfinden. Dagegen ist reichsgesetzlich weder eine allgemeine Freiheit der Bildung von Religionsvereinen, noch eine Gleichheit der Religionsübung für alle Confessionen garantiert. Vielmehr weisen in diesem Punkte die Landesgesetzgebungen grosse Verschiedenheiten auf. Einige geben die Bildung von Religionsgesellschaften unbedingt frei und gewähren allen volle häusliche und öffentliche Religionsübung. Nach diesen äussert sich das Reformationsrecht des Staates nur noch in der Ertheilung von Corporationsrechten und der Verleihung besonderer Privilegien. Andere gewähren zwar das Recht der freien Vereinigung zu religiösen Gemeinschaften, dagegen keine Gleichheit der Religionsübung; die Art derselben richtet sich nach den besonderen Verwilligungen. Noch andere endlich haben an dem Erforderniss staatlicher Genehmigung für die Bildung von religiösen Gemeinschaften festgehalten." For further consultation I may refer to Paul Laband, "Das Staatsrecht des deutschen Reiches" (Tübingen, 1876-82, 3 vols.), vol. i. pp. 161 sq.

In one instance, nowever, the Empire has, from patriotic motives, interfered with religion, namely, in the expulsion of the Jesuits from German territory, by an imperial law of July 4, 1872.¹ This was an act in self-defence against the political ambition and agitation of the hierarchical party under the lead of the Jesuits, who own no country except the church, and no loyalty except to the Pope. But it is nevertheless an infringement of religious liberty. Such an expulsion would be unconstitutional in the United States, unless the Jesuits by overt acts should endanger the public peace and safety.

In the several States which compose the Empire, the union of the state with the-recognized confessions, *i. e.*, the Roman Catholic and the Evangelical (Lutheran and Reformed) Churches continues. Dissenting sects enjoy the rights of private corporations.²

Germany allows the greatest freedom of thought, but is very conservative in action. In no country is theological speculation and investigation so freely carried on and encouraged as in German universities under the patronage of the government, and in no country is a certain degree of education more general; for the laws of Prussia and nearly all other German States provide for the establishment of elementary schools in every town and village, and compel parents to send their children to these or private schools. And yet the most opposite parties in theology, from strict Lutheran orthodoxy to rationalism, prefer to remain under

¹ See Schulthess, "Europäischer Geschichtskalender" for 1872, p. 164.

² Meyer, *l. c.*, p. 611: "*Die katholische und die evangelische (lutherische und reformirte) Kirche nehmen die Stellung privilegirter Religionsgemeinschaften ein und gelten als öffentliche Corporationen. Sie geniessen einen besonderen strafrechtlichen Schutz, ihre Geistlichen sind in vielen Beziehungen den Staatsbeamten gleichgestellt, sie erhalten eine Dotation aus Staatsmitteln und ihre Abgaben können im Wege der Verwaltungsexecution beigetrieben werden. Den Katholiken stehen die Altkatholiken gleich, welche vom Standpunkte des Staates als Katholiken zu betrachten sind.*

"*Unter den übrigen christlichen Religionsgesellschaften sind diejenigen besonders ausgezeichnet, welche sich im Besitz von Corporationsrechten befinden. . . . Diejenigen Religionsgemeinschaften, welche Corporationsrechte nicht besitzen, haben den Charakter gewöhnlicher Vereine.*"

the same state-church roof of protection and support, and look with distrust or contempt upon the "sects."

Nevertheless some of these sects are spreading, in numbers and respectability, and the "Old Catholics," too, have become a distinct organization with government recognition in Prussia (1875) and Baden (1874).

The religious statistics of the German Empire, which numbers a population of over forty-six millions, according to the census of Dec. 1, 1880, are as follows:

Protestants	28,330,967
Roman Catholics	16,232,606
"Christian Sects"	78,395 ¹
Jews	561,612
"No religion"	30,481

By "Protestants" are meant three denominations supported and governed by the state, Lutherans, German Reformed, and United Evangelical. The last is the largest, being the state-church of Prussia and of those minor States (Baden, Württemberg, etc.) which have adopted the union of the Lutheran and Reformed Churches. "The Christian sects" are Mennonites, Moravians, Irvingites, Methodists, Baptists, and others, who support and govern themselves, or are supported by their brethren in England and America. The "Old Lutherans" are seceders from the state-churches in Prussia and Saxony, and figure in the statistics among the sects, although they are the most orthodox among Protestants.

Prussia.

Prussia stands at the head of the German States and has the controlling influence in the German Empire. Her king is by hereditary right also Emperor of Germany. She has in theory been always very tolerant and allowed the utmost liberty of opinion within the state-church, but the exercise of public worship and the organization of dissenting communities was controlled and restricted by law till 1850.²

¹ This is too small an estimate.

² The *Allgemeine Landrecht* of Prussia, in agreement with the spirit of Frederick the Great, declares (Tit. xi. §§ 2 and 3): "*Jedem Einwohner im*

"The great Elector" offered a hospitable asylum to the expelled Huguenots of France, at a time when the Calvinists were denounced by orthodox Lutherans as dangerous heretics. Frederick II., the "alte Fritz," one of the demi-gods of the German people, was an admirer of Voltaire's philosophy of toleration (though he despised the man), and wished every Prussian to get saved "after his own fashion"; yet he commanded the celebrated Pietist, Dr. Francke in Halle, to go to the theatre which he had denounced, and ordered a clergyman, Frommann (Piousman), to change his name into Frohmann (Merryman).

There are three recognized churches in Prussia, the Lutheran, the German Reformed, and the Roman Catholic. The first two were consolidated into one by Frederick William III., in 1817, under the name of the United Evangelical Church. The House of Hohenzollern belongs originally to the German Reformed Church, but is now identified with the United Evangelical Church. The union was opposed by the "Old Lutherans," who seceded and were at first harshly dealt with by the government, but achieved liberty under Frederick William IV. (1845). The Evangelical Union, as officially explained (1834 and 1852), does not obliterate the doctrinal distinction of the two confessions, nor interfere with personal convictions, but requires both to live under one form of government, to use the same liturgy, and to commune together at the same altar. But the last feature, *die Abendmahlsgemeinschaft*, is offensive to the conscience of strict Lutherans, who reject the Reformed theory of the Lord's Supper as a heresy. The Lutherans of the newly acquired provinces of Schleswig-Holstein, Lauenburg, Hanover, Frankfort, etc., are not formally incorporated in the union, but subject to the same central government of the King and his Cultus-Minister.

Staat muss eine vollkommene Glaubens- und Gewissensfreiheit gestattet werden. Niemand ist schuldig über seine Privatmeinungen in Religionssachen Vorschriften vom Staat anzunehmen." But liberty is here restricted to *private* opinions which lie beyond the jurisdiction of the state, and may be enjoyed under the most despotic government. "*Gedanken sind zollfrei.*"

Smaller religious communions enjoy the rights of private corporations by special concessions of the government.

According to the census of December 1, 1880, the total population of Prussia numbered 27,279,111 souls, classified as follows:

Protestants	17,613,530 (64 %)
Roman Catholics	9,205,136 (33 %)
Jews	363,790

The rest belong to smaller Christian "sects," or to "no creed."

The Evangelical state-church, which numbers about eighteen millions, or nearly two thirds of the population, is reduced to a department of state and connected, under one head (the Cultus-Minister), with the department of education and medical affairs. This is a humiliating position, to which the Roman Church would never submit. King Frederick William IV. (brother of Emperor William) felt painfully the weight of his position as *summus episcopus*, and frequently expressed his wish to restore the Evangelical Church to proper independence and self-government, with full toleration for dissenters; but his force was broken by the revolution of 1848.

The Prussian Constitution of January 31, 1850, marks a great progress in the line of religious liberty. It guarantees the freedom of conscience and *public worship*, and *independence*, in the administration of their internal affairs, to the Evangelical and Roman Catholic Churches, and *all other religious associations*, subject only to the civil and political duties. As to education, the Protestant children should be instructed in religion by the Protestant clergy; the Roman Catholic children by the Roman Catholic clergy, and the Jews by their rabbis.¹

The most important provision is Article XII., which guarantees the three essential elements of religious and civil freedom : 1, the freedom of private and public worship ;

¹ See the Prussian *Verfassungs-Urkunde* of 1850, articles XII., XIII., XIV., XV., XVI., XVIII., XXIV. Similar provisions had been made by the famous national assembly of Frankfurt in 1849, in Art. V. of the *Grundrechte des deutschen Volkes*.

2, the right of religious association; 3, the enjoyment of civil and political rights, irrespective of religious views. The last implies separation of church and state as far as civil and political offices are concerned.¹

Prussia has thus taken the lead in this progress of modern culture, and prescribed the course of the German Empire. One of the most eminent writers on law in Prussia, in commenting on the twelfth article, remarks that Prussia has constitutionally recognized perfect religious liberty as "the noblest fundamental right of every citizen," not in the spirit of religious indifference, but as the ripe fruit of a development of more than a hundred years, as a victory of justice and of a truly Christian view of life. He adds that it is the merit of the North Americans to have first proclaimed this principle as a constitutional law.²

But while this great principle remains, the independence of the recognized confessions in the management of their own affairs, which was likewise guaranteed, in Articles XV. and XVIII., was endangered, modified, and in part abolished during the so-called *Culturkampf*, or the conflict of modern culture with mediæval obscurantism, which has agitated Germany since 1870.

¹ Article XII. is as follows: "*Die Freiheit des religiösen Bekenntnisses, der Vereinigung zu Religionsgesellschaften und der gemeinsamen häuslichen und öffentlichen Religionsübung wird gewährleistet. Der Genuss der bürgerlichen und staatsbürgerlichen Rechte ist unabhängig vom dem religiösen Bekenntnisse. Den bürgerlichen und staatsbürgerlichen Pflichten darf durch die Ausübung der Religionsfreiheit kein Abbruch geschehen.*" Comp. L. v. Rönne, "Das Staatsrecht der Preussischen Monarchie" (Leipzig, 3d ed., 1869-72), vol. i., Abth. ii. p. 167 sqq.; and H. Schulze, "Das Preussische Staatsrecht" (Leipzig, 1872, 77, 2 vols.), vol. i. pp. 398 sqq.

² Hermann Schulze (Prof. of Jurisprudence in the University of Breslau, and member of the Prussian House of Lords), "Das Preussische Staatsrecht," vol. i. pp. 405 sq.: "*So ist vollkommene religiöse Bekenntnissfreiheit, als das edelste Grundrecht aller Staatsgenossen, in Preussen verfassungsmässig anerkannt, nicht als Zeichen religiöser Gleichgültigkeit, sondern als gereifte Frucht einer mehr als hundertjährigen Staatsentwicklung, als Sieg deutscher Gerechtigkeit und wahrhaft christlicher Lebensanschauung. . . . Den Nordamerikanern gebührt das Verdienst, zuerst die Religionsfreiheit als Verfassungsgesetz verkündigt zu haben, nachdem Friedrich der Grosse dieselbe theoretisch vertheidigt und praktisch gehandhabt hatte.*"

This important and interesting conflict was provoked by the aggressions of Romanism, as shown in the Papal Syllabus of 1864, which declared open war to all the liberal ideas of the age, in the passage of the infallibility dogma of the Vatican Council in 1870, and in the open hostility of the Ultramontane party to the new German Empire with a Protestant head. In some respects the *Culturkampf* is a renewal of the old war between the emperor and the pope, or statecraft and priestcraft. It developed the singular anomaly that the Protestant Liberals (the so-called National Liberal party in the German Diet and the Prussian Chambers) attacked the liberty and independence of the church; while the Roman Catholics (guided by the Centre party in the Diet) defended the freedom of the church, to be sure only in their own interest, and in the hierarchical sense of the term. The leaders of political liberalism in Germany and all over the Continent are religiously illiberal, or unchurchly and anti-churchly, and wish to keep the church, both Catholic and Protestant, under the thumb of the state. They confound clericalism and priestcraft with all forms of positive Christianity. On the other hand the majority of orthodox Protestants are conservative in politics. In the *Culturkampf* they were either passive spectators, or aided in the enactment of the May-Laws, from opposition to Rome, without considering that thereby they weakened their own right and claim to independence. The misfortune of Germany is the unnatural alliance of religion with political conservatism, and of liberalism with infidelity. This is largely the effect of state-church coercion. In Great Britain and the United States Christianity is friendly to political and all other progress, and takes the lead in every moral reform.

The *Culturkampf* centred in Prussia, and the prophecy of Cardinal Wiseman, that the war between Romanism and Protestantism will be fought out on the sand of Brandenburg, seemed to approach its fulfilment. Prussia felt the necessity of protecting herself against the political ambition of the hierarchy. In order to do this constitutionally, the Prussian legislature (*Landtag*), April 5, 1873, changed those

articles which guaranteed the independence of the church, as follows, the changes being indicated by italics :

Article XV.—“ The Evangelical and the Roman Catholic Church, as well as every other religious association, shall administer independently its own affairs, *but remains subject to the laws and to the legally regulated supervision of the state.*”

“ *In the same measure* each religious association shall remain in possession and enjoyment of the establishments, endowments, and funds devoted to the purposes of worship, education, and benevolence.”

Article XVIII.—“ The right of the state to nominate, propose, elect, and ratify appointments to ecclesiastical positions is hereby abolished, unless the right rests upon patronage or some other legal title.

“ This provision shall not apply to the appointment of chaplains in the army or clergymen in public [*i. e., governmental*] establishments.

“ *As to the rest, the law regulates the functions of the state in reference to the education, appointment, and dismissal of the clergy and the servants of the church, and determines the limits of the disciplinary power of the church.*”¹

These changes neutralized the force of the original articles or reduced them to a mere shadow. But even this shadow disappeared. Two years later, April 10, 1875, the *Landtag* abolished articles XV., XVI., and XVIII. altogether, and thus freed the government from every constitutional limitation in dealing with the church question.² This is, from

¹ Artikel XV.—“ Die evangelische und die römisch-katholische Kirche, sowie jede andere Religionsgesellschaft ordnet und verwaltet ihre Angelegenheiten selbstständig, *bleibt aber den Staats-Gesetzen und der gesetzlich geordneten Aufsicht des Staates unterworfen.*”

“ *Mit der gleichen Massgabe* bleibt jede Religionsgesellschaft im Besitz und Genuss der für ihre Kultus-, Unterrichts-, und Wohlthätigkeits-Zwecke bestimmten Anstalten, Stiftungen und Fonds.”

Artikel XVIII.—“ Das Ernennungs-, Vorschlags-, Wahl- und Bestätigungs-Recht bei Besetzung kirchlicher Stellen ist, soweit es dem Staat zusteht und nicht auf dem Patronat oder besonders Rechtstiteln beruht aufgehoben.

“ Auf Anstellung von Geistlichen beim Militär und an öffentlichen Anstalten findet diese Bestimmung keine Anwendung.

“ *Im Uebrigen regelt das Gesetz die Befugnisse des Staates hinsichtlich der Vorbildung, Anstellung und Entlassung der Geistlichen und Religionsdiener und stellt die Grenzen der kirchlichen Disciplinargewalt fest.*”

See Schulthess, “Eur. Gesch.kalender” for 1873, pp. 36-45. Dr. Paul Hinschius (Professor of Jurisprudence in Berlin, who helped to frame the May-Laws), “Die Preussischen Kirchengesetze des Jahres, 1873,” p. xxix. They give also the May-Laws.

² The repeal was proclaimed by edict, dated Bad Ems, June 18, 1875 : “ We William, of God’s grace King of Prussia, etc., order, with the consent of both

the American standpoint, a retrograde step and a relapse into Erastianism and state-despotism.

The Anti-Papal Laws.

The ominous change of the constitution in 1873 was followed in May of the same year, under the direction of Dr. Falk, the liberal minister of public worship and instruction, by the enactment of the so-called four May-Laws, or Falk-Laws, whose object was to restrict the disciplinary power of the Roman Church and to raise up a cultured and patriotic clergy. Pope Pius IX., in letters to Emperor William, to the German bishops, and by an Encyclical of February 5, 1875, denounced these laws in the strongest terms as "contrary to the divine constitution of the church," and declared them "null and void." The Prussian bishops openly disobeyed them. This conduct forced the government into supplementary legislation in 1874 and 1875, enabling the state to carry out the May-Laws. The details are not necessary for our purpose.¹

The anti-papal laws were intended only for Prussia, as temporary measures of self-protection, but indirectly they affected also the whole Empire. Prince Bismarck conducted the negotiations with Pope Leo as prime minister of Prussia, not as chancellor of the empire; but he is, in fact, the head of both under William I., who is king and emperor; and to expel the disobedient bishops from Germany he had to get authority from the imperial diet.

In this conflict the Prussian government, blinded by its traditional state-absolutism, undervalued the strength of the Roman Church and exceeded its legitimate power by interfering with her internal affairs, in attempting to control even the theological education of the priesthood. Although the Roman Church in Prussia numbers only about ten mil-

houses of the *Landtag* of our monarchy, as follows: Articles XV., XVI., and XVIII. of the *Verfassungsurkunde* of Jan. 31, 1850, are abolished." The XVIIth article guarantees freedom of intercourse between the religious associations and their ecclesiastical superior (the Pope).

¹ They are fully explained by Professor Hinschius in the second volume of his work on the "Prussian Church Laws" (1875).

lions in a population of twenty-eight millions, she is a consolidated phalanx, backed by the most powerful organization centering in the papacy. Behind this organization are those invisible religious forces which lie beyond the jurisdiction of the government and the efficiency of state laws. The government saw in the hierarchy only a political opponent, and tried to conquer it by political power. Moreover, the state made the innocent suffer with the guilty, and did an act of gross injustice to the Evangelical Church, which was included in this Erastian legislation, although she had done nothing whatever to deserve such an indirect rebuke.

For seven years (1873-1880) the May-Laws were rigidly executed, and disobedient bishops deposed and exiled. The imperial government came to the aid of Prussia, and authorized by a law of May 4, 1874, their banishment from German territory. The Pope answered by crowning two of the "martyrs" with the cardinal's hat. In 1877 eight of the twelve Prussian bishoprics were vacant, and about four hundred parishes were without priests. This state of things threatened general confusion and could not last long. Persecution gave the Roman Church the glory of martyrdom and the credit of fighting for the freedom of the church. She was supported by the laity, who were left like flocks without shepherds.

The government began to feel that the May-Laws could not be maintained and executed without the greatest danger to the state. In the meantime the National Liberal party began to break up in factions; the socialists made two attempts on the life of the aged emperor, and revealed a more dangerous power to the state than even ultramontan-ism. Prince Bismarck left the National Liberal party, with whose help he had completed the organization of the empire, and built up a conservative party. Emperor William was anxious to make peace with the church before his death, and the Empress, who is on good terms with the bishops, moved behind the curtain in the same direction. In the Roman Church, too, a great change took place by the death of Pius IX. (1878), with whom nothing could be done, and

the accession of Leo XIII., who understands the policy of accommodation to existing circumstances, and showed from the start a disposition to come to a peaceful understanding with the central power of Europe.

Under these circumstances, the Prussian government, in 1880, asked and obtained permission from the *Landtag* to suspend the execution of the May-Laws in order to meet the spiritual wants of the Catholic laity, who were innocent and yet suffered most. The laws were suspended during 1880 and 1881. In February, 1882, the government went a step further and entered into negotiations with the Pope through a special ambassador, Herr von Schlözer, who had formerly been in Washington. These negotiations resulted in the gradual repeal of the May-Laws, which was completed April 29, 1887, so that nothing remains of them except the law of 1872 which makes civil marriage obligatory and sufficient, the laws of 1875 and 1876 regulating the administration of church property, the law prohibiting the exercise of church discipline by foreign tribunals, and the *Anzeigepflicht*, or the duty of notification, which requires the Pope and the bishops to inform the government of ecclesiastical appointments and concedes to the state the right of veto on grounds of civil or political disabilities of the appointees.

No principle was surrendered, but a *modus vivendi* was secured for a peaceful coëxistence of a sovereign state and a sovereign church.¹

¹ On the recent conflict between Prussia and the papacy, see Prof. Paul Hinschius, "Die Preussischen Kirchengesetze des Jahres 1873" (Berlin, 1873); by the same, "Die Preussischen Kirchengesetze der Jahre 1874 und 1875, nebst dem Reichsgesetze vom 4 Mai, 1874" (Berlin, 1875). A learned commentary and defence of the anti-papal laws. Comp. also, his supplements (1886 and 1887). Dr. Kries, "Die Preussische Kirchengesetzgebung," etc., (Danzig, 1887). "Les discours de M. le Prince de Bismarck," vol. iv., under the separate title: "Kulturkampf. Histoire du conflit politique-clérical en Prusse et en Allemagne depuis son origine jus qu' à ce jour (1871-1887)," etc., Berlin, 1887. Contains all the documents. R. Majunke (R. Cath.), "Geschichte des Kulturkampfes in Preussen-Deutschland," Paderborn, 1887. On the general subject, see F. Heinrich Geffcken, "Staat und Kirche in ihrem Verhältniss geschichtlich entwickelt," Berlin, 1875. Wilhelm Martens, "Die

Prince Bismarck, the Luther of regenerated Germany, who once protested that he would "never go to Canossa," made peace with Pope Leo, meeting him half-way, but securing in return his political services in the septennate conflict of 1887 against the threatening war of revenge from France and the socialistic revolution from within. The Pope sent to the Protestant heretic the Christ-order, a distinction shown only to most eminent Catholic celebrities. Leo out-bismarcked Bismarck, and Bismarck out-poped the Pope.

For the present the *Culturkampf* has ended with a substantial victory of the Roman Church under the wise and moderate statesmanship of Leo XIII. She is now stronger than ever in Germany; for how long, God only knows. Abuse of power will inevitably provoke reactions.

The Evangelical Church, unfortunately, remains in Prussia, as in all Germany, an humble servant of the state, and is much weakened by internal dissensions. The success of the Roman Church has raised a new party among the conservative and churchly members of the *Landtag*, who demand from the government more liberty and more money, but without much prospect of getting either. The Protestant church cannot expect to secure the right of self-government without discharging the duty of self-support.

During the course of this memorable conflict between the Prussian government and the Roman curia the separation of church and state seems not to have occurred to the cultured leaders of either party as a possible solution of the problem. To be sure, it would be contrary to Prussian traditions, and involve two great sacrifices: the state would have to surrender its entire control over the churches, and the churches would have to surrender all claim upon the support of the state, whether the state were willing to restore the church property to its rightful owner or not. Perhaps, *Beziehungen der Ueberordnung, Nebenordnung und Unterordnung zwischen Kirche und Staat*, Stuttgart, 1877. Meyer, "Lehrbuch des deutschen Staatsrechtes," Leipzig, 1878, p. 606 *sqq.* The ablest discussion of the *Culturkampf* in the English language, to my knowledge, is by Prof. John W. Burgess, "The Culturconflict in Prussia," in the *Political Science Quarterly* for June, 1887, p. 313 *sqq.* (New York).

after all, it may come to such a separation in due time. It would save the state and the church the troubles which inevitably arise from the collision of the two powers.

Scandinavia.

Denmark, Sweden, and Norway accepted the Lutheran creed with an episcopal organization. The great mass of the people are still strongly attached to the Lutheran Church, and honor it by their intelligence, industry, virtue, and piety, but are growing more liberal. Formerly every other religion was prohibited, on pain of confiscation and exile. Christina, the daughter of the illustrious Gustavus Adolphus, the Protestant hero of the Thirty Years' War, lost her crown and home by embracing the Roman Catholic faith.

At present the Lutheran Church is still the state church, and the kings of Denmark and Sweden must belong to it, but other churches are tolerated as "sects," and the civil disabilities have been gradually removed, in Denmark, by the constitution of June 5, 1849, modified in 1855, 1863, and July 28, 1866; in Sweden and Norway, by special laws in 1860, 1868, and 1873. The dissenters (Roman Catholics, Reformed, Baptists, Methodists, Irvingites, Jews, and Mormons) embrace only about one per cent. of the population in Denmark. But in Sweden the Baptists have grown very rapidly *within* the national church, and prefer to remain (like the Pietistic sects in Württemberg) an *ecclesiola in ecclesia*, because they have thus more liberty than outside of it. As a separate body they would, under the present dissenter law, have to purchase independence by asking recognition from the government, and subjecting themselves to its police regulations; while now they are allowed to build chapels, hold separate meetings, and baptize their converts by immersion, without disturbance, on condition of paying taxes for the support of the state church. This anomalous condition will probably end in secession as soon as the dissenter law is more liberalized. The Baptists in Sweden number in this year 1887 over 31,000 members, and have a theological school at Stockholm.

The Methodists in Sweden are a foreign plant, and derive their chief support from America, but commend themselves by their zeal for vital, practical piety.¹

Austria.

Austria, under the rule of the Habsburg dynasty, has always been the political stronghold of Romanism in Germany, and granted only a very limited toleration to Protestants of the Augsburg and the Helvetic Confessions, and to the Socinians (Unitarians) in Transylvania.

Since 1848 she has entered upon a career of revolution and progress. A law of 1868 grants civil marriage and full liberty of religion, but within the limits of the confessions that are recognized by the government. The Roman Church remains the state religion and controls politics. It depends upon the prevailing sentiment of the provincial and local authorities how far the letter of the constitution can be executed or evaded. In 1879 the General Evangelical Alliance Conference of Basel sent a deputation to the Emperor Franz Josef I. in behalf of persecuted Protestants in Bohemia, and succeeded.

Since 1867 Austria is a bipartite state of Austria-Hungary, with a double legislature and double cabinet. In Austria proper, Romanism is still all-powerful. The government supports also Lutheran and Calvinistic ministers, but very scantily, and does not even admit the Protestant theological faculty of Vienna to a place in the corporation of the University and the use of its magnificent building.

In Hungary there is no state religion, and consequently more liberty. The Reformed (Calvinistic) Church is strong among the Magyars, and the Lutheran among the Germans; but the Roman Catholic is richer and stronger than both. Besides there are Greeks, Armenians, Jews, and "Non-Christians."

Holland.

Holland stands very high in the history of religious liberty. She achieved by her bravery and endurance her indepen-

¹ "Of all sectarian churches," says an orthodox Swedish Lutheran writer (in Herzog, vol. xiii., 743), "Methodism, by its open visor and moral earnestness, has acquired the greatest esteem in Sweden."

dence from the terrible despotism of Spain, which killed more Protestants than heathen Rome killed Christians under Nero or Decius or Domitian. She sheltered the exiled band of the "Pilgrim Fathers" before their departure for the bleak coasts of New England. It is true, the Calvinism of the Synod of Dort (1619), in compact with Prince Maurice, is responsible for the deposition and exile of about two hundred Arminian clergymen and of the great statesman and scholar, Hugo Grotius. But after the death of Maurice (1625) the Arminians were recalled and allowed to build churches in every town.

The present kingdom of the Netherlands, according to the terms of the constitution of November 3, 1848, grants entire liberty of conscience and complete civil equality to the members of all religious confessions. The royal family and a majority of the inhabitants belong to the Reformed Church, which is the national church and supported by the government; but the Roman Catholic Church, and several English Presbyterian ministers in the sea-ports, receive likewise government aid. The national Reformed Church has given up the canons of Dort and allows as wide a latitude of thought to her theological professors and ministers as Protestant Germany and Switzerland. Hence a number of strict Calvinists have seceded and organized a free church (1834) under the name of the "Christian Reformed Church," which numbers several hundred congregations. In 1857 the government, under the combined influence of the Romanists and Liberals, banished all religious instruction from the schools, and in 1876 it abolished the theological faculties in the universities, retaining only such chairs as teach the history and philosophy of religion, and leaving the provision for special theological instruction to the National Synod out of funds granted to it. When the Synod filled the professorships with Rationalists, the orthodox Calvinistic party within the National Church established a Free Reformed University at Amsterdam (1880). The same party has founded all over Holland a large number of free schools in which religion is taught.

France.¹

The Latin races of Southern Europe rejected the Reformation, and reaped the Revolution. They preferred the yoke of popery to the liberty of the gospel, and ran into the opposite extreme of infidelity. They aspire to political liberty, but ignore religious liberty which is the strong pillar of the former. The French took the lead in crushing Protestantism by despotism, and crushing despotism by revolutions. They swing from the pope to Voltaire and back again to the pope, but never stop half way. They are the most polished, the most brilliant, and the most changeable nation of Europe.

The Edict of Nantes, which secured a legal existence to Protestants, was revoked by Louis XIV., and the Huguenots were forced to renounce their faith, or to leave their native land. But Protestantism survived the dragonades as "a church of the desert," regained toleration in 1787, and has remained ever since an intelligent, moral, industrious, and influential, though small, minority in France.

Since the radical upheaval of society in 1789, France has lived under nine constitutions (1791, 1793, 1795, 1799, 1814, 1830, 1848, 1852, 1875).

The principle of limited toleration has been acknowledged by all governments since Napoleon, but in subordination to the sovereignty of the State. Religious liberty as understood in England and America does not exist in France to this day. The advocates of political liberty (except among Protestants) are mostly indifferent or hostile to religion. Anti-clericalism with them means anti-religionism. The government supports and thereby controls a certain number of recognized religions.

¹ F. A. Hélie, "Les constitutions de la France," Paris, 1875. A. Bard et P. Robiquet, "La constitution française de 1875," Paris, 1878. E. Bidault, "Assemblées législatives de la France, 1789-1876," Paris, 1879. G. Demombynes, "Constitutions Européennes," Paris, 1881, 2 vols. E. de Pressensé, "L'église et la révolution française," Paris, 1867, and "La liberté religieuse en Europe depuis 1870," Paris, 1874. Francis Lieber gives several French constitutions, "On Civil Liberty and Self-Government" (Philad., 1859), p. 536 sqq.

This system dates from Napoleon I., the greatest military genius and despot on a democratic basis. He restored, in a measure, the Roman church in France after its overthrow by the madness of the Revolution. He was too much of a statesman not to see the absolute necessity of religion for society. But he felt no personal interest in it, and viewed it merely from the military and political point of view. "*Je ne vois pas,*" he said, "*dans la religion le mystère de l'incarnation, mais le mystère de l'ordre social.*" In Egypt he supported Mohammedanism, and placed the Koran along-side of the New Testament under the heading, "Politics." The priests he viewed as a sort of black policemen and as "*professeurs d'obéissance passive.*" Accordingly he recognized the Roman Catholic religion as the religion of the great majority of Frenchmen, and also the National Reformed and Lutheran Churches.¹ He made scanty provision for their support from the national treasury, by which he kept them subject to his power. To separate church and state after the American fashion would have limited his sovereignty. He would not listen to it for a moment. He concluded a concordat with Pope Pius VII. (July 15, 1801), and secured his consent to crown him emperor (Dec. 2, 1804); but he deprived him of his temporal power (May 17, 1809), and made him his prisoner at Fontainebleau (1812). His ambition was to rule the whole world from Paris, with the Pope residing there as his humble servant. But the haughty structure collapsed like the tower of Babel.

After the fall of Napoleon came the legitimist and papal reaction of the Bourbons, who, like the Stuarts, never forgot and never learned any thing, and who, like the Stuarts, by their reactionary and selfish policy prepared their own second and final overthrow.

The reign of the house of Orleans, which succeeded that of the Bourbons, was a limited constitutional monarchy and a compromise between the Revolution and the Restora-

¹ Against the protest of Pope Pius VII., whose secretary, Consalvi, made during the negotiations with Napoleon the characteristic admission: "*Il est de l'essence de la religion catholique d'être intolérante.*" Haussouville, "Leglise romaine et le premier empire," vol. i. 308.

tion. It acknowledged to a limited extent the principle of religious liberty.

The charter of August 14, 1830, signed by King Louis Philippe and his prime minister, Guizot (a Protestant), provides that "each one may profess his religion with equal liberty, and shall receive for his religious worship the same protection" (Article V.), and that "the ministers of the catholic, apostolic, and Roman religion, professed by the majority of the French, and those of other Christian worship, receive stipends from the public treasury" (Article VI.).

The constitution of the second Republic of 1848, which followed the dethronement of Louis Philippe, guarantees that "every one may freely profess his own religion, and shall receive from the state equal protection in the exercise of his worship. The ministers of the religions at present recognized by law, as well as those which may be hereafter recognized, have a right to receive an allowance from the state" (Chap. II., Art. VII.).

The restoration of the Empire by Napoleon III. returned to the policy of the first Napoleon, but gave greater power to the Pope, and forced a new organization upon the recognized Protestant churches (1852). Like his uncle, he cut his own throat by his overreaching ambition, and went down with his empire at the battle of Sedan (Sept. 2, 1870). His only son and heir perished among the savages in Africa. His widow still lives, a modern Niobe, "crownless and childless in her voiceless woe."

A third Republic rose from the ruins of the second Empire (1870), and has lasted much longer than the first and second. The constitution adopted February 25, 1875, and still in force, says nothing on the subject of religious liberty, but the former system of *cæsaro-papal* rule and state patronage is continued. The Roman Church, the Reformed (Calvinistic), and the Lutheran Churches, and, since 1841, also the Jewish synagogue, and, in Algiers, the Mohammedan religion, are recognized by law and supported from the national treasury, but at the expense of their independence. Under the successful administration of Thiers, chiefly through the influence of Guizot, the Reformed Church was

permitted to hold an official synod in 1872, but the government refused to sanction its decisions. The synods held since that time are "unofficial," and have no legislative power.

In the meantime free churches have sprung up, which support and govern themselves, and are tolerated. The chief among them (since 1849) is the "*Union des églises évangéliques de France*," usually called "*l'église libre*." The M'All "missions" (since 1871) are not organized churches and confine themselves to preaching the gospel; they are required by the police to abstain from politics and from attacks upon the Catholic Church. Other denominations, the Episcopalian, Presbyterian, Wesleyan, Baptist, etc., are of foreign origin and confined to a few congregations in Paris.

The French Republic has manifested a strong anti-clerical spirit and shown no favor to any religion. In this respect it contrasts very unfavorably with the American Republic. The possibilities for the future of France seem to be a conservative republic, or a socialistic revolution, or a restoration of the Orleans dynasty. The sympathies of America are with a conservative republic.

We may add from the "Statesman's Year-Book" for 1887 (pp. 66, 67), the following additional information :

"The population of France, at the census of December, 1881, consisted of 29,201,703 Roman Catholics, being 78.50 per cent. of the total population; of 692,800 Protestants, or 1.8 per cent. of the population, as compared with 584,757 in 1872; of 53,446 Jews, and 7,684,906 persons 'who declined to make any declaration of religious belief.' This was the first census at which 'non-professants' were registered as such. On former occasions it had been customary to class all who had refused to state what their religion was, or who denied having any religion, as Roman Catholics. The number of persons set down as belonging to 'various creeds' was 33,042.

"All religions are equal by law, and any sect which numbers 100,000 adherents is entitled to a grant; but at present only the Roman Catholics, Protestants, Jews, and Mussulmans (Algeria, etc.) have state allowances. In the Budget for 1887 these grants were as follows :

	Francs.
Administration	257,800
Roman Catholic worship, etc.	44,327,123
Protestant worship, etc.	1,551,600
Jewish worship, etc.	180,900
Protestant and Jewish places of worship	40,000
Mussulman worship	216,340
Total	46,573,763

"There are 17 archbishops and 67 bishops; and of the Roman Catholic Church on January, 1884, the secular clergy numbered in all 54,513, besides 10,464 pupils in the ecclesiastical seminaries. The value of the total gifts and legacies made to the Church during the present century, up to 1882, is 23,976,733 francs. The Protestants of the Augsburg Confession, or Lutherans, are, in their religious affairs, governed by a General Consistory, while the members of the Reformed Church, or Calvinists, are under a council of administration, the seat of which is at Paris. In 1884 there were 700 Protestant pastors, with 27 assistant preachers, and 57 Jewish rabbis and assistants."

Belgium.

Belgium, which was previously a part of Holland, has formed since 1830 an independent state, and is a constitutional, representative, and hereditary monarchy. Nearly the whole population is nominally Roman Catholic, and divided into six dioceses (Malines, Bruges, Ghent, Liège, Namur, Tournai). There is a constant conflict going on between the ultramontane and the liberal Catholics. The Protestants number only 15,000, and the Jews 3,000.

The constitution of 1831 guarantees full religious liberty. The government, like that of France, pays a part of the salary to Roman priests, Protestant ministers, and Jewish rabbis. But there is also a free Reformed Church in Belgium similar to that in France. It is partly supported by friends from abroad, and does faithful missionary work among the lower Roman Catholic population.

Italy.

The year 1848 forms a turning-point in the history of Italy. The fundamental statute of Sardinia (*statuto fondamentale del regno*), proclaimed by King Charles Albert at Turin, March 4, 1848, declares the Roman Catholic Church to be the only state religion, but grants toleration to other existing forms of worship within the laws.¹ The unification of Italy, with Rome as the capital, in 1870, extended the force of this statute over the whole kingdom. Since that time the legislature by several acts has diminished the power

¹ "La religione Catholica Apostolica Romana è la sola religione dello stato. Gli altri culti ora esistenti sono tollerati conformemente alle leggi." See Gabriello Carnazza: "Il Diritto Costituzionale Italiano," Catania, 1886, p. 331.

of the church and clergy, and subordinated them to the authority of the civil government.

Cavour, the statesman ; Mazzini, the dreamer ; Garibaldi, the hero ; and Victor Emanuel, the king, of regenerated Italy, were in favor of full religious liberty, though more from indifference than from an enlightened positive faith. A large number of educated men in Italy, as in all the Latin races, are indifferent and skeptical ; but, knowing only the Roman religion, and wishing to be on the safe side in the other world, usually send for the priest on their death-bed. Even Voltaire did so.

Although toleration is a poor concession, it marks a great advance beyond the former state of disgraceful intolerance, when as late as 1852 the innocent Madiati family were imprisoned in Florence for no other crime than holding prayer-meetings and reading the Scriptures in the vernacular ; when the Bible could not pass the custom-house in the Pope's dominions ; and when the foreign Protestant residents of Rome were not allowed to worship God except in strict privacy, or in a house behind a barn outside of the city walls.

The statute of 1848 emancipated the faithful and much persecuted Waldenses ; enabled them to preach in Italian, and to come out of their mountain fastnesses in Piedmont. Since 1870 there have been organized at least a dozen Protestant congregations in the city of Rome itself, which represent the Waldensian, the Free Italian Church (*chiesa libera*), the English and American Episcopal, the Scotch Presbyterian, the Methodist, the Baptist, the German Evangelical, and the French Reformed denominations. Such a variety is very confusing to the mind of an Italian Catholic who is discontented with Romanism, and yet used to the idea of the visible unity of the church.

The total number of Protestants in Italy at the census of 1881 amounted (in a population of nearly thirty millions) to 62,000, of whom 22,000 belonged to the Waldensian Church, and 30,000 to foreign Protestant bodies.

The kingdom of Italy sustains a peculiar relation to the papacy. It has destroyed its temporal power and thereby

broken the backbone of hierarchical state-churchism. It has conquered the papal territory, made the papal capital its own capital, and thereby incurred the curses of the Pope who will forever protest against the robbery of the patrimony of St. Peter, in spite of the almost unanimous opposition of his own former subjects to the continuance of his secular rule.¹

But by a decree of October 9, 1870, and the laws of December 31, 1870, and May 13, 1871, Italy guarantees to the supreme pontiff the dignity, inviolability, and all the personal prerogatives of a sovereign with the first rank among Catholic monarchs; untrammelled correspondence with the Catholic hierarchy throughout the world; the perpetual possession of the Vatican and Lateran palaces and castel-Gandolfo, with all the edifices, museums, libraries, and gardens belonging thereto; freedom from taxation; and an irrevocable annual dotation of 3,225,000 lire or francs from the public treasury.²

The Pope has refused the dotation, and can afford to live on the Peter's penny and other voluntary contributions of the faithful.

The political regeneration and unification of Italy has not materially changed the ruling religion of Italy, but has established a separation between the civil and spiritual powers and confined the papacy to the latter. Politically, the modern Italians are Protestants, and disregard the Pope in temporal matters; religiously, they are Catholics, and obey him as the head of the church.

Spain and Portugal.

Spain, the land of sombre cathedrals and bloody bull-rings, the home of the Inquisition and Ignatius Loyola, is more intensely Roman Catholic and mediæval than Italy, and owing to its comparative isolation, is less influenced by modern ideas of progress. Cardinal Cuesta, Archbishop of Santiago,

¹ In the plebiscite, Oct. 2, 1870, the population of the Papal States voted with an overwhelming majority for annexation to the kingdom of Italy. The number of registered voters was 167,548; the number of actual voters, 135,291; of these 133,681 voted yea, 1,507 no; 103 votes were thrown out as invalid. Schulthess, "*Europäischer Geschichtskalender*" for 1870 (Nördlingen, 1871), p. 403.

² Schulthess, *l. c.*, p. 410 *seq.*

in a popular catechism, 1871, defines Protestantism to be "not only a veritable Babel, but a horrible theory, and an immoral practice which blasphemes God, degrades man, and endangers society."¹ The Reformation which raised its head in the middle of the sixteenth century, was completely crushed out by fire and sword under Philip II., and has only recently ventured to reappear. When Matamoras, Carrasco, and a few other converted Bible readers assembled for religious devotions, they were thrown into prison and condemned to the galleys, but in consequence of a strong protest by an international deputation of the Evangelical Alliance, the sentence of penal servitude was changed into exile (1863). A few years afterwards the misgovernment and immorality of the bigoted Queen Isabel II. resulted in her expulsion from the throne (1868), and a succession of revolutions and civil wars.

The Constitution of 1869 declares, in Article XXI., the Catholic Apostolic Roman Religion to be the religion of the state, and imposes upon the nation the obligation of maintaining its worship and its ministers. This is old Spanish. The second clause grants, for the first time, toleration for *public* and private worship to *foreigners* residing in Spain, subject to the general rules of morals and right. A third clause applies the same toleration to such Spaniards (if there should be any) as may profess another religion than the Catholic.²

¹ Bishop Manuel of the island of Minorca issued a manifesto, February 15, 1876, in which he demanded the expulsion of the children of Protestant parents from the public schools, or the compulsory memorizing of Cardinal Cuesta's Catechism against "the poison of Protestantism." Schulthess, "Europ. Geschichtskalender" for 1876, pp. 271 sq.

² "ART. XXI. *La religion católica, apostólica, romana es la del Estado. La Nacion se obliga a mantener el culto y los ministros de la religion católica.*

"El ejercicio público ó privado de cualquiera otro culto queda garantido á todos los extranjeros residentes en España, sin más limitaciones que las reglas universales de la moral y del derecho.

"Si algunos españoles profesaren otra religion que la católica, es aplicable á los mismos todo lo dispuesto en el párrafo anterior." See "Constituciones Vigentes de los principales estados de Europa." Por R. C. Ortiz y H. A. de Aparicio. Madrid, 1873, 2 vols., vol. ii., 308. Comp. Schulthess "Europäischer Geschichtskalender," 1870, pp. 299 sq. The articles XX. and XXI. were adopted by the Cortes May 5, 1869, by a majority of 164 to 4. The entire Constitution was adopted June 1st by a majority of 214 to 56 votes.

This was a small breach into the fort of Roman intolerance and exclusiveness. Another step in advance was taken by the Constitution adopted under the reign of Alphonso XII., July 1, 1876, which is still in force. It reasserts in Article XI. the first clause of Article XXI. of the former constitution, that the Roman Catholic Church is the religion of the state, and entitled to the support of the nation. But the next clause extends the religious liberty granted to foreign residents to *all non-Catholics*, in these words: "No person shall be molested in the territory of Spain for his religious opinions, nor for the exercise of his particular religious worship, saving the respect due to Christian morality." Very good as far as it goes. But this concession is weakened and almost neutralized by the addition: "Nevertheless, no other ceremonies, nor manifestations in public will be permitted than those of the religion of the state."¹ Thus the Constitution of 1876 restricts the liberty of non-Catholic worship to private houses. No church or chapel looking like a house of God, no tower, no bell, no procession, no public announcement is permitted by law, and Protestant preachers and evangelists depend altogether upon the tender mercies of the local magistrate, priests, and people.

Nevertheless they continue their work under these disadvantages, in about fifty humble places of worship in Madrid, Barcelona, Seville, and other cities where more liberality prevails than in ignorant and bigoted country districts. At the census of 1877 it was found that 60 per cent. of the adult population could not read.

¹ The XIth. article is a compromise between the Romanists and the Liberals, and was adopted by a vote of 220 against 84. All amendments in favor of absolute religious uniformity and exclusiveness were voted down by 226 against 39; and all amendments for unqualified religious liberty were likewise voted down by 163 against 12. See Schulthess, "*Europäischer Geschichtskalender*" for 1876. Nördlingen, 1877, p. 277. I quote the whole article in the original as published in "*Las Novedades*," Nueva York, No. 64, 19 de Julio, 1876:

"ART. XI. *La religion católica, apostólica, romana es la del Estado. La nacion se obliga d mantener el culto y sus ministros.*

"*Nadie será molestado en el territorio español por sus opiniones religiosas, ni por el ejercicio de su respectivo culto, salvo el respeto debido d la moral cristiana.*

"*No se permitirán, sin embargo, otras ceremonias ni manifestaciones públicas que las de la religion del Estado.*"

On the other hand the Spanish government has greatly diminished the material resources of the state church. By two decrees of the Cortes, passed July 23, 1835, and March 9, 1836, all monastic establishments were suppressed, and their property confiscated for the benefit of the nation.

Portugal knows and tolerates no other religion besides the Roman Catholic, except among foreign residents who may worship privately in their houses, but not in a church.¹

Greece.

The kingdom of the Hellenes, which gained its independence in 1830, recognizes the Greek Orthodox Church as the state religion, but the Constitution of Oct. 29, 1864, guarantees complete toleration and liberty of worship to all other sects. There are in Greece Mohammedans, Jews, Roman Catholics, and a few Protestants. The Orthodox Church was formerly ruled by the Patriarch of Constantinople, but since 1833 it has been under the direction of a Holy Synod consisting of the Metropolitan of Athens and four archbishops and bishops.

Turkey.

Even Turkey has gradually to yield to the pressure of modern ideas and reforms. Once the terror of Europe, she lives now at the mercy of the Christian powers. She always allowed to the conquered Christian nations which she could not govern by Moslem law, nor kill or expel without ruining herself, a certain measure of self-government, and contented herself with appointing the head, and exacting tribute.

Seven non-Mohammedan creeds are thus recognized, namely: 1. Latins, Franks or Roman Catholics, mostly descendants of the Genoese and Venetian settlers; 2. Greeks; 3. Armenians; 4. Syrians and United Chaldeans; 5. Maronites, subject to the patriarch at Kanobin on Mount Lebanon

¹ The Constitution granted by Don Pedro IV. in 1826, with an addition in 1852, provides (according to the Spanish work on "Constituciones Vigentes," just quoted, Tom. II., 354 sq.): "*La religion católica apostólica romana continuará siendo la religion del Reino. Todas las otras religiones serán permitidas a los extranjeros, así como su culto doméstico ó particular en casas destinadas a este fin, sin forma alguna exterior de templo.*"

and the Pope; 6. Protestants, chiefly converts from the Armenians; 7. Jews. Foreign residents enjoy extra-territorial rights under the protection of the ambassadors and consuls of their countries. American and other foreign missionaries have full freedom to labor among Christians and Jews. The more division among the Giaours the better for the Turks. But no Christian is allowed to convert a Moslem, nor is any Moslem allowed to deny his faith. The laws of the Koran punish apostasy with death.

After the Crimean war, in which France and England combined saved Turkey from the grasp of the Russian bear, Sultan Abdul-Medjid abolished the death penalty for apostasy by the "*Hatti-Humáyoun*," proclaimed February 18, 1856. But the fanaticism of the Moslem is stronger than the will of the Sultan.

The Treaty of Berlin, July 13, 1878, has inflicted another blow on the religious autonomy of the Sultan's government. Among its provisions are the following:

"ART. LXII. The Sublime Porte, having expressed the intention to maintain the principle of religious liberty, and give it the widest scope, the contracting parties take notice of this spontaneous declaration.

"In no part of the Ottoman Empire shall difference of religion be alleged against any person as a ground for exclusion or incapacity as regards the discharge of civil and political rights, admission to the public employments, functions, and honors, or the exercise of the various professions and industries.

"All persons shall be admitted, without distinction of religion, to give evidence before the tribunals.

"The freedom and outward exercise of all forms of worship are assured to all, and no hindrance shall be offered either to the hierarchical organizations of the various communions or to their relations with their spiritual chiefs.

"Ecclesiastics, pilgrims, and monks of all nationalities travelling in Turkey in Europe, or in Turkey in Asia, shall enjoy the same rights, advantages, and privileges.

"The right of official protection by the diplomatic and consular agents of the powers in Turkey is recognized both as regards the above-mentioned persons and their religious, charitable, and other establishments in the holy places and elsewhere."

DOCUMENTS.

DOCUMENT I.

Provisions of the United States Constitution Securing Religious Liberty, 1787.

Article VI., Section 3 :

"No religious test shall ever be required as a qualification to any office or public trust under the United States."

Amendments. Article I. :

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or abridging the freedom of speech, or of the press ; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

The Virginia Ordinance of 1787.

While the Constitutional Convention was in session at Philadelphia, the Continental Congress sitting under the Articles of Confederation passed an ordinance, July 13, 1787, "for the government of the territory of the United States northwest of the Ohio river." This territory was ceded by Virginia to the United States, and embraced the present States of Ohio, Indiana, Illinois, Michigan, and Wisconsin. The same ordinance was afterwards extended to Tennessee, Alabama, and Mississippi.

This ordinance provides for full religious liberty on the one hand, and for the cultivation of religion, morality, and education, as essential conditions of national prosperity. Among the articles which shall "forever remain unalterable," are the following :

Art. I. "No person demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments in the said territory."

Art. III. "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

DOCUMENT II.

Opinion of the U. S. Supreme Court on the Meaning of Religious Liberty, 1878.

Reynolds v. United States. Reports, vol. 98 (Boston : Little, Brown & Co., 1878), pp. 145 sqq.

The Supreme Court of the United States, in the case of Reynolds, a Mor-

mon, charged with bigamy, decided in favor of the constitutionality and validity of the Congressional prohibition of polygamy in the Territories. Chief-Justice WAITE, in delivering the decision, gave the following opinion of religion and religious liberty (pp. 162 *sqq.*).

"Congress cannot pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation. Religious freedom is guaranteed everywhere throughout the United States, so far as congressional interference is concerned. The question to be determined is, whether the law now under consideration [prohibition of polygamy] comes within this prohibition.

"The word 'religion' is not defined in the Constitution. We must go elsewhere, therefore, to ascertain its meaning, and nowhere more appropriately, we think, than to the history of the times in the midst of which the provision was adopted. The precise point of inquiry is, what is the religious freedom which has been guaranteed.

"Before the adoption of the Constitution, attempts were made in some of the Colonies and States to legislate not only in respect to the establishment of religion, but in respect to its doctrines and precepts as well. The people were taxed, against their will, for the support of religion, and sometimes for the support of particular sects to whose tenets they could not and did not subscribe. Punishments were prescribed for a failure to attend upon public worship, and sometimes for entertaining heretical opinions. The controversy upon this general subject was animated in many of the States, but seemed at last to culminate in Virginia. In 1784, the House of Delegates of that State, having under consideration 'a bill establishing provision for teachers of the Christian religion,' postponed it until the next session, and directed that the bill should be published and distributed, and that the people be requested 'to signify their opinion respecting the adoption of such a bill at the next session of assembly.'

"This brought out a determined opposition. Amongst others, Mr. Madison prepared a 'Memorial and Remonstrance,' which was widely circulated and signed, in which he demonstrated 'that religion, or the duty we owe the Creator,' was not within the cognizance of civil government. Semple's 'Virginia Baptists,' Appendix. At the next session the proposed bill was not only defeated, but another, 'for establishing religious freedom,' drafted by Mr. Jefferson, was passed: 1 Jeff. Works, 45; 2 Howison, Hist. of Va., 298. In the preamble of this act (12 Henning's Stat., 84) religious freedom is defined; and after a recital 'that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy which at once destroys all religious liberty,' it is declared 'that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order.' In these two sentences is found the true distinction between what properly belongs to the church and what to the state.

"In a little more than a year after the passage of this statute the convention met which prepared the Constitution of the United States. Of this convention Mr. Jefferson was not a member, he being then absent as minister to France.

As soon as he saw the draft of the Constitution proposed for adoption, he, in a letter to a friend, expressed his disappointment at the absence of an express declaration insuring the freedom of religion (2 Jeff. Works, 355), but was willing to accept it as it was, trusting that the good sense and honest intentions of the people would bring about the necessary alterations. 1 Jeff. Works, 79. Five of the States, while adopting the Constitution, proposed amendments. Three, New Hampshire, New York, and Virginia, included in one form or another a declaration of religious freedom in the changes they desired to have made, as did also North Carolina, where the convention at first declined to ratify the Constitution until the proposed amendments were acted upon. Accordingly, at the first session of the first Congress the amendment now under consideration was proposed with others by Mr. Madison. It met the views of the advocates of religious freedom, and was adopted. Mr. Jefferson afterwards, in reply to an address to him by a committee of the Danbury Baptist Association (8 *id.*, 113), took occasion to say: 'Believing with you that religion is a matter which lies solely between man and his God; that he owes account to none other for his faith or his worship; that the legislative powers of the government reach actions only, and not opinions,—I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion or prohibiting the free exercise thereof,' thus building a wall of separation between church and state. Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore man to all his natural rights, convinced he has no natural right in opposition to his social duties.'

"Coming as this does from an acknowledged leader of the advocates of the measure, it may be accepted almost as an authoritative declaration of the scope and effect of the amendment thus secured. Congress was deprived of all legislative power over mere opinion, but was left free to reach actions which were in violation of social duties or subversive of good order.

"Polygamy has always been odious among the northern and western nations of Europe, and, until the establishment of the Mormon Church, was almost exclusively a feature of the life of Asiatic and of African people. At common law, the second marriage was always void (2 Kent, Com., 79), and from the earliest history of England polygamy has been treated as an offence against society. After the establishment of the ecclesiastical courts, and until the time of James I., it was punished through the instrumentality of those tribunals, not merely because ecclesiastical rights had been violated, but because upon the separation of the ecclesiastical courts from the civil the ecclesiastical were supposed to be the most appropriate for the trial of matrimonial causes and offences against the rights of marriage, just as they were for testamentary causes and the settlement of the estates of deceased persons.

"By the statute of I. James I. (c. 11), the offence, if committed in England or Wales, was made punishable in the civil courts, and the penalty was death. As this statute was limited in its operation to England and Wales, it was at a very early period re-enacted, generally with some modifications, in all the colonies. In connection with the case we are now considering, it is a signifi-

cant fact that on the 8th of December, 1788, after the passage of the act establishing religious freedom, and after the convention of Virginia had recommended as an amendment to the Constitution of the United States the declaration in a bill of rights that 'all men have an equal, natural, and unalienable right to the free exercise of religion, according to the dictates of conscience,' the legislature of that State substantially enacted the statute of James I., death penalty included, because, as recited in the preamble, 'it hath been doubted whether bigamy or polygamy be punishable by the laws of this Commonwealth.' 12 Hening's Stat., 691. From that day to this we think it may safely be said there never has been a time in any State of the Union when polygamy has not been an offence against society, cognizable by the civil courts, and punishable with more or less severity. In the face of all this evidence, it is impossible to believe that the constitutional guaranty of religious freedom was intended to prohibit legislation in respect to this most important feature of social life. Marriage, while from its very nature a sacred obligation, is nevertheless, in most civilized nations, a civil contract, and usually regulated by law. Upon it society may be said to be built, and out of its fruits spring social relations and social obligations and duties, with which government is necessarily required to deal. In fact, according as monogamous or polygamous marriages are allowed, do we find the principles on which the government of the people, to a greater or less extent, rests. Professor Lieber says, polygamy leads to the patriarchal principle, and when applied to large communities, fetters the people in stationary despotism, while that principle cannot long exist in connection with monogamy. Chancellor Kent observes that this remark is equally striking and profound. 2 Kent, Com., 81, note (e). An exceptional colony of polygamists under an exceptional leadership may sometimes exist for a time without appearing to disturb the social condition of the people who surround it; but there cannot be a doubt that, unless restricted by some form of constitution, it is within the legitimate scope of the power of every civil government to determine whether polygamy or monogamy shall be the law of social life under its dominion.

"In our opinion the statute immediately under consideration is within the legislative power of Congress. It is constitutional and valid as prescribing a rule of action for all those residing in the Territories, and in places over which the United States have exclusive control. This being so, the only question which remains is whether those who make polygamy a part of their religion are excepted from the operation of the statute. If they are, then those who do not make polygamy a part of their religious belief may be found guilty and punished, while those who do must be acquitted and go free. This would be introducing a new element into criminal law. Laws are made for the government of actions, and while they cannot interfere with mere religious belief and opinions, they may with practices. Suppose one believed that human sacrifices were a necessary part of religious worship, would it be seriously contended that the civil government under which he lived could not interfere to prevent a sacrifice? Or, if a wife religiously believed it was her duty to burn herself upon the funeral pile of her dead husband, would it be beyond the power of the civil government to prevent her carrying her belief into practice?

"So here, as a law of the organization of society under the exclusive dominion of the United States, it is provided that plural marriages shall not be allowed. Can a man excuse his practices to the contrary because of his religious belief? To permit this would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself. Government would exist only in name under such circumstances."

DOCUMENT III.

Dr. Franklin's Speech in Support of his Motion for Prayers in the Federal Convention.

From Madison's Report in "The Madison Papers," vol. ii. 984-986; reprinted in Elliot's "Debates," enlarged edition, vol. v. pp. 253-255.

"Dr. FRANKLIN: Mr. President, the small progress we have made after four or five weeks' close attendance and continual reasoning with each other—our different sentiments on almost every question, several of the last producing as many noes as ayes—is, methinks, a melancholy proof of the imperfection of the human understanding. We indeed seem to feel our own want of political wisdom, since we have been running about in search of it. We have gone back to ancient history for models of government, and examined the different forms of those republics which, having been formed with the seeds of their own dissolution, no longer exist. And we have viewed modern States all round Europe, but find none of their constitutions suitable to our circumstances.

"In this situation of this assembly, as it were, in the dark, to find political truth, and scarce able to distinguish it when presented to us, how has it happened, sir, that we have not hitherto once thought of humbly applying to the Father of lights to illuminate our understandings? In the beginning of the contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for the divine protection. Our prayers, sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending Providence in our favor. To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful Friend? Or do we imagine that we no longer need his assistance?

"I have lived, sir, a long time, and, the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it possible that an empire can rise without his aid? We have been assured, sir, in the sacred writings that 'except the Lord build the house, they labor in vain that build it.' I firmly believe this; and I also believe that without his concurring aid we shall succeed, in this political building, no better than the builders of Babel. We shall be divided by our little partial local interests; our projects will be confounded; and we ourselves shall become a reproach and by-word down to future ages. And what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing governments by human wisdom, and leave it to chance, war, and conquest.

"I therefore beg to move that henceforth prayers, imploring the assistance of heaven and its blessings on our deliberations, be held in this assembly every morning before we proceed to business, and that one or more of the clergy of this city be requested to officiate in that service."

"Mr. SHERMAN seconded the motion.

"Mr. HAMILTON, and several others, expressed their apprehensions that, however proper such a resolution might have been at the beginning of the Convention, it might at this late day, in the first place, bring on it some disagreeable animadversions; and, in the second, lead the public to believe that the embarrassments and dissensions within the Convention had suggested this measure.

"It was answered by Dr. FRANKLIN, Mr. SHERMAN, and others, that the past omission of a duty could not justify a further omission; that the rejection of such a proposition would expose the Convention to more unpleasant animadversions than the adoption of it; and that the alarm out of doors that might be excited for the state of things within, would at least be as likely to do good as ill.

"Mr. WILLIAMSON observed that the true cause of the omission could not be mistaken. The Convention had no funds.

"Mr. RANDOLPH proposed, in order to give a favorable aspect to the measure, that a sermon be preached at the request of the Convention on the Fourth of July, the anniversary of Independence; and thenceforward prayers, etc., to be read in the Convention every morning.

"Dr. FRANKLIN seconded this motion. After several unsuccessful attempts for silently postponing this matter by adjourning, the adjournment was at length carried, without any vote on the motion."

The speech of Dr. Franklin was written and read to the Convention by his colleague, Mr. Wilson, "it being inconvenient to the Doctor to remain long on his feet." See Madison, in the introduction to his report of the Debates, Elliot, vol. v., 122.

The motion was not voted on and virtually withdrawn. In the "Works of Benjamin Franklin," edited by Jared Sparks, Boston, 1847, vol. v., p. 153, the speech of Dr. Franklin is given, with the following note of his on p. 155: "The Convention, except three or four persons, thought prayers unnecessary!" The remarks of Hamilton and others, however, show that they were not opposed to prayers, but to the untimeliness of the motion.

At the enthusiastic centennial celebration of the Constitution in Philadelphia, September 17, 1887, prayer was not neglected. Bishop Potter, of New York, made the opening, Cardinal Gibbons, of Baltimore, the closing prayer, and both prelates performed the solemn duty with excellent taste, falling back upon the common ground of Protestant and Catholic Christianity. The Rev. Dr. Witherspoon, a Presbyterian clergyman, pronounced the benediction. President Cleveland embodied Franklin's speech in his eulogy of the Constitution.

James Madison, in a letter to Mr. Sparks, dated Montpelier, April 8, 1831 (Elliot's "Debates," vol. i., p. 508, revised ed.), makes the following allusion to Franklin's motion: "It was during that period of gloom [the hot controversy

between the larger and smaller States on the rule of voting in the Senate] that Dr. Franklin made the proposition for a religious service in the Convention, an account of which was so erroneously given, with every semblance of authenticity, through the *National Intelligencer*, several years ago."

DOCUMENT IV.

Acts of Congress in regard to the Bible.

1. Act of the Continental Congress, Sept. 11, 1777.

From "Journal of Congress, Containing the Proceedings from January 1st, 1777, to January 1st, 1778. Published by order of Congress," vol. iii., Philadelphia (John Dunlap), pp. 383-386.

"The committee to whom the memorial of Doctor Allison¹ and others was referred, report, 'That they have conferred fully with the printers, etc., in this city, and are of the opinion, that the proper types for printing the Bible are not to be had in this country, and that the paper cannot be procured, but with such difficulties and subject to such casualties as render any dependence on it altogether improper; that to import types for the purpose of setting up an entire edition of the Bible, and to strike off 30,000 copies, with paper, binding, etc., will cost 10,272 *l.* 10 *s.* 0 *d.*, which must be advanced by Congress to be reimbursed by the sale of the books; that in the opinion of the committee, considerable difficulties will attend the procuring the types and paper; that afterwards the risque of importing them will considerably enhance the cost, and that the calculations are subject to such uncertainty in the present state of affairs, that Congress cannot much rely on them; that the use of the Bible is so universal, and its importance so great, that your committee refer the above to the consideration of Congress, and if Congress shall not think it expedient to order the importation of types and paper, the committee recommend that Congress will order the committee of commerce to import 20,000 Bibles from Holland, Scotland or elsewhere into the different ports of the States of the Union.'

"Whereupon it was moved, That the committee of commerce be directed to import 20,000 copies of the Bible.

New Hampshire.—Mr. Folsom, ay; Mr. Frost, ay—ay.

Massachusetts Bay.—Mr. S. Adams, ay; Mr. J. Adams, ay; Mr. Gerry, ay;

Mr. Lovell, ay—ay.

Rhode Island.—Mr. Marchant, ay—ay.

Connecticut.—Mr. Dyer, ay; Mr. Law, ay; Mr. Williams, ay—ay.

New York.—Mr. Duane, no—*

New Jersey.—Mr. Witherspoon, ay; Mr. Clarke, ay—ay.

Pennsylvania.—Mr. Wilson, ay; Mr. Roberdeau, ay—ay.

Delaware.—Mr. Reed, no—no.

Maryland.—Mr. Chase, no—*

Virginia.—Mr. Harrison, no; Mr. F. L. Lee, ay; Mr. Jones, no—no.

¹ Dr. Patrick Allison was one of the two chaplains of the Continental Congress, the Rev. William White (afterwards Bishop of the diocese of Pennsylvania) being the other. The memorial referred to was a petition to Congress to issue an edition of the Bible, under the direction and at the expense of the government.—P. S.

North Carolina.—Mr. Harnett, no—no.

South Carolina.—Mr. Middleton, no ; Mr. Heyward, no ; Mr. Laurens, ay—no.

Georgia.—Mr. Brownson, ay—ay.

“So it was resolved in the affirmative.”

2. Act of the Continental Congress, passed September 12, 1782.

From “Journal of Congress and of the United States in Congress Assembled,” vol. vii., Philad. (D. C. Claypoole), pp. 468, 469.

“The committee, consisting of Mr. Duane, Mr. M’Keen and Mr. Wither-
spoon, to whom was referred a memorial of Robert Aitkin,¹ printer, dated
January 21st, 1781, respecting an edition of the Holy Scriptures, report :

“That Mr. Aitkin¹ has, at a great expense, now finished an American
edition of the Holy Scriptures in English ; that the committee have, from time
to time, attended to his progress in the work ; that they also recommend it to
the two Chaplains of Congress to examine and give their opinion of the execu-
tion, who have accordingly reported thereof.

“The recommendation and the report being as follows :

“ ‘ PHILADELPHIA, September 1st, 1782.

“ ‘ REVEREND GENTLEMEN :—Our knowledge of your piety and public spirit
leads us without apology to recommend to your particular attention the edition
of the Holy Scriptures publishing by Mr. Aitkin. He undertook this expen-
sive work at a time, when from the circumstances of the war, an English
edition of the Bible could not be imported, nor any opinion formed how long
the obstruction might continue. On this account particularly he deserves
applause and encouragement. We therefore wish you, Reverend gentlemen,
to examine the execution of the work, and if approved, to give it the sanction
of your judgment and the weight of your recommendation.

“ ‘ We are, with very great respect, your most obedient servants,

“ ‘ (Signed)

JAMES DUANE, Chairman,

“ ‘ In behalf of a committee of Congress on Mr. Aitkin’s memorial.

“ ‘ Reverend Dr. White and Reverend Mr. Duffield,
Chaplains of the United States assembled.’

“ ‘ *Report.*

“ ‘ GENTLEMEN :

“ ‘ Agreeably to your desire, we have paid attention to Mr. Robert Aitkin’s
impression of the Holy Scriptures of the Old and New Testament. Having
selected and examined a variety of new passages throughout the work, we
are of opinion that it is executed with great accuracy as to the sense, and with
as few grammatical and typographical errors as could be expected in an under-
taking of such magnitude. Being ourselves witnesses of the demand for this
invaluable book, we rejoice in the present prospect of a supply, hoping that it
will prove as advantageous as it is honorable to the gentleman, who has ex-

¹ A misprint for Aitken.—P. S.

erted himself to furnish it at the evident risque of private fortune. We are, gentlemen, your very respectful and humble servants,

“(Signed) WILLIAM WHITE,
“GEORGE DUFFIELD.

“ ‘Honorable James Duane, Esquire, Chairman,
and the other honorable gentlemen of the
committee of Congress on Mr. Aitkin’s
memorial.

“ ‘PHILADELPHIA, September 10th, 1782.’

“ Whereupon,

“ *Resolved*, That the United States, in Congress assembled, highly approve the pious and laudable undertaking of Mr. Aitkin, as subservient to the interest of religion, as well as an instance of the progress of arts in this country, and being satisfied from the above report of his care and accuracy in the execution of the work, they recommend this edition of the Bible to the inhabitants of the United States, and hereby authorize him to publish this recommendation in the manner he shall think proper.”

3. Joint Resolution in behalf of the American Company [Committee]¹ of Revisers of the New Testament for Return and Remission of Duties.

“ *Whereas*, 2,100 copies of the book known as the Revision of the New Testament of our Lord and Saviour Jesus Christ, printed by the University Presses of Oxford and Cambridge in England, being the joint and gratuitous work of two companies of translators, one in England and the other in the United States, were sent, under the direction of the English Company of Revisers, to and for the use and distribution of the American Company of Revisers, and were heretofore imported at the Port of New York, for or in behalf of the American Company of Revisers, and the duties paid thereon; and

“ *Whereas*, The revision of the translation of the Old Testament Scriptures is now progressing under similar auspices, and the same is to be printed in a similar manner, and copies of them will be required for the use and distribution of the American Company of Revisers, therefore,

“ *Be it Resolved*, By the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury be and is hereby authorized and directed to ascertain the facts of such past and expected importations of the revisions of the Bible, and if he shall be satisfied that they are substantially as above stated, then to refund and repay, out of any moneys in the Treasury not otherwise appropriated, to the American Company of Revisers, of which Reverend Doctor Philip Schaff, of New York, is Chairman,² and Reverend Doctor Henry Day, of New York,³ is Secretary, through and by said officers, the amount of duties heretofore paid upon the said books so imported; and that he be, and further is, authorized and directed

¹ There were two committees on revision, one for England and one for America; each committee was composed of two companies, one for the Old and one for the New Testament.—P. S.

² President of the committee; the title Chairman being given to the presiding officers of the two separate companies (Dr. Woolsey and Dr. Green).—P. S.

³ A mistake for Rev. Dr. George E. Day, of New Haven.—P. S.

to remit the duties upon, and to admit to entry free of duty or custom, the books containing the revision of the Old Testament which may be hereafter imported from England by or on behalf of the American Company of Revisers, for their use and distribution as above set forth,

"*Provided*, that future importations of the Bible for the purposes set forth in this Act shall not exceed two thousand copies.

"Approved, March 11, 1882."

DOCUMENT V.

Judge Story's Explanation of the Constitutional Guarantee of Religious Liberty.

Judge JOSEPH STORY, the authoritative expounder of the American Constitution, explains the third section of Article VI., and the First Amendment of the Constitution ("Commentaries on the Constitution of the United States," Boston, 1833, pp. 690 *sq.*, and 698-703) as follows:

"This clause [the last in Art. VI., § 3] is not introduced merely for the purpose of satisfying the scruples of many respectable persons who feel an invincible repugnance to any religious test or affirmation. It had a higher object: to cut off forever every pretense of any alliance between church and state in the national government. The framers of the constitution were fully sensible of the dangers from this source, marked out in the history of other ages and countries, and not wholly unknown to our own. They knew that bigotry was unceasingly vigilant in its stratagems to secure to itself an exclusive ascendancy over the human mind, and that intolerance was ever ready to arm itself with all the terrors of the civil power to exterminate those who doubted its dogmas or resisted its infallibility. The Catholic and Protestant had alternately waged the most ferocious and unrelenting warfare on each other, and Protestantism, at the very moment when it was proclaiming the right of private judgment, prescribed boundaries to that right, beyond which if any one dared to pass he must seal his rashness with the blood of martyrdom. The history of the parent country, too, could not fail to instruct them in the uses and the abuses of religious tests. They there found the pains and penalties of non-conformity written in no equivocal language, and enforced with a stern and vindictive jealousy. . . .

"The right of society or government to interfere in matters of religion will hardly be contested by any persons who believe that piety, religion, and morality are intimately connected with the well-being of the state, and indispensable to the administration of civil justice. The promulgation of the great doctrines of religion; the being, and attributes, and providence of one almighty God; the responsibility to him for all our actions, founded upon moral freedom and accountability; a future state of rewards and punishments; the cultivation of all the personal, social, and benevolent virtues;—these never can be a matter of indifference in any well-ordered community. It is, indeed, difficult to conceive how any civilized society can well exist without them. And, at all events, it is impossible for those who believe in the truth of Christianity, as a divine revelation, to doubt that it is the especial duty of government to foster and encourage it among all the citizens and subjects. This is a point

wholly distinct from that of the right of private judgment in matters of religion, and of the freedom of public worship according to the dictates of one's own conscience.

"The real difficulty lies in ascertaining the limits to which government may rightfully go in fostering and encouraging religion. Three cases may easily be supposed. One, where a government affords aid to a particular religion, leaving all persons free to adopt any other ; another, where it creates an ecclesiastical establishment for the propagation of the doctrines of a particular sect of that religion, leaving a like freedom to all others ; and, a third, where it creates such an establishment, and excludes all persons not belonging to it, either wholly or in part, from any participation in the public honors, trusts, emoluments, privileges, and immunities of the state. For instance, a government may simply declare that the Christian religion shall be the religion of the state, and shall be aided and encouraged in all the varieties of sects belonging to it ; or it may declare that the Catholic or the Protestant religion shall be the religion of the state, leaving every man to the free enjoyment of his own religious opinions ; or it may establish the doctrines of a particular sect, as of Episcopalians, as the religion of the state, with a like freedom ; or it may establish the doctrines of a particular sect as exclusively the religion of the state, tolerating others to a limited extent, or excluding all not belonging to it from all public honors, trusts, emoluments, privileges, and immunities.

"Probably at the time of the adoption of the constitution, and of the amendment to it now under consideration, the general, if not the universal, sentiment in America was that Christianity ought to receive encouragement from the state, so far as it is not incompatible with the private rights of conscience and the freedom of religious worship. An attempt to level all religions, and to make it a matter of state policy to hold all in utter indifference, would have created universal disapprobation, if not universal indignation.

"It yet remains a problem to be solved in human affairs whether any free government can be permanent where the public worship, of God and the support of religion constitute no part of the policy or duty of the state in any assignable shape. The future experience of Christendom, and chiefly of the American States, must settle this problem, as yet new in the history of the world, abundant as it has been in experiments in the theory of government.

"But the duty of supporting religion, and especially the Christian religion, is very different from the right to force the consciences of other men, or to punish them for worshipping God in the manner which they believe their accountability to him requires. It has been truly said that 'religion, or the duty we owe to our Creator, and the manner of discharging it, can be dictated only by reason and conviction, not by force or violence.' Mr. Locke himself, who did not doubt the right of government to interfere in matters of religion, and especially to encourage Christianity, has at the same time expressed his opinion of the right of private judgment and liberty of conscience in a manner becoming his character as a sincere friend of civil and religious liberty. 'No man or society of men,' says he, 'have any authority to impose their opinions or interpretations on any other, the meanest Christian ; since, in matters of religion, every man must know, and believe, and give an account for himself.' The rights of conscience are, indeed, beyond the just reach of any human power.

They are given by God, and cannot be encroached upon by human authority without a criminal disobedience of the precepts of natural, as well as revealed, religion.

"The real object of the amendment was not to countenance, much less to advance, Mahometanism, or Judaism, or infidelity, by prostrating Christianity; but to exclude all rivalry among Christian sects, and to prevent any national ecclesiastical establishment which should give to an hierarchy the exclusive patronage of the national government. It thus sought to cut off the means of religious persecution (the vice and pest of former ages), and the power of subverting the rights of conscience in matters of religion, which had been trampled upon almost from the days of the Apostles to the present age. The history of the parent country had afforded the most solemn warnings and melancholy instructions on this head; and even New England, the land of the persecuted Puritans, as well as other colonies, where the Church of England had maintained its superiority, had furnished a chapter as full of dark bigotry and intolerance as any which could be found to disgrace the pages of foreign annals. Apostasy, heresy, and nonconformity have been standard crimes for public appeals to kindle the flames of persecution and apologize for the most atrocious triumphs over innocence and virtue.

"It was under a solemn consciousness of the dangers from ecclesiastical ambition, the bigotry of spiritual pride, and the intolerance of sects, thus exemplified in our domestic as well as in our foreign annals, that it was deemed advisable to exclude from the national government all power to act upon the subject. The situation, too, of the different states equally proclaimed the policy as well as the necessity of such an exclusion. In some of the States, Episcopalians constituted the predominant sect; in others, Presbyterians; in others, Congregationalists; in others, Quakers; and in others again there was a close numerical rivalry among contending sects. It was impossible that there should not arise perpetual strife and perpetual jealousy on the subject of ecclesiastical ascendancy if the national government were left free to create a religious establishment. The only security was in extirpating the power. But this alone would have been an imperfect security, if it had not been followed up by a declaration of the right of the free exercise of religion, and a prohibition (as we have seen) of all religious tests. Thus, the whole power over the subject of religion is left exclusively to the State governments, to be acted upon according to their own sense of justice and the State constitutions; and the Catholic and the Protestant, the Calvinist and the Arminian, the Jew and the Infidel, may sit down at the common table of the national councils without any inquisition into their faith or mode of worship."

DOCUMENT VI.

Opinion of Dr. Francis Lieber on Religious Liberty.

From "Civil Liberty and Self-Government," by Francis Lieber, LL.D. Philadelphia, 1859, p. 99.

"Liberty of conscience, or, as it ought to be called more properly,¹ the liberty

¹ Conscience lies beyond the reach of government. "Thoughts are free," is an old German saying. The same must be said of feelings and conscience. That which government, even the most despotic, can alone interfere with, is the profession of religion, worship, and church government.

of worship, is one of the primordial rights of man, and no system of liberty can be considered comprehensive which does not include guarantees for the free exercise of this right. It belongs to American liberty to separate entirely the institution which has for its object the support and diffusion of religion from the political government. We have seen already what our constitution says on this point. All state constitutions have similar provisions. They prohibit government from founding or endowing churches, and from demanding a religious qualification for any office or the exercise of any right. They are not hostile to religion, for we see that all the State governments direct or allow the Bible to be read in the public schools; but they adhere strictly to these two points: No worship shall be interfered with, either directly by persecution, or indirectly by disqualifying members of certain sects, or by favoring one sect above the others; and no church shall be declared the church of the state, or 'established church'; nor shall the people be taxed by government to support the clergy of all the churches, as is the case in France."

DOCUMENT VII.

Judge Cooley on Religious Liberty in the United States.

JUDGE THOMAS M. COOLEY, in his "Constitutional Limitations" (Little, Brown & Co., Boston, 5th ed. 1883), pp. 576 *sqq.*, has the following chapter:

"OF RELIGIOUS LIBERTY.

"A careful examination of the American constitutions will disclose the fact that nothing is more fully set forth or more plainly expressed than the determination of their authors to preserve and perpetuate religious liberty and to guard against the slightest approach towards the establishment of an inequality in the civil and political rights of citizens, which shall have for its basis only their differences of religious belief. The American people came to the work of framing their fundamental laws, after centuries of religious oppression and persecution, sometimes by one party or sect and sometimes by another, had taught them the utter futility of all attempts to propagate religious opinions by the rewards, penalties, or terrors of human laws. They could not fail to perceive, also, that a union of church and state, like that which existed in England, if not wholly impracticable in America, was certainly opposed to the spirit of our institutions, and that any domineering of one sect over another was repressing to the energies of the people, and must necessarily tend to discontent and disorder. Whatever, therefore, may have been their individual sentiments upon religious questions, or upon the propriety of the state assuming supervision and control of religious affairs under other circumstances, the general voice has been, that persons of every religious persuasion should be made equal before the law, and that questions of religious belief and religious worship should be questions between each individual man and his Maker. Of these questions human tribunals, so long as the public order is not disturbed, are not to take cognizance, except as the individual, by his voluntary action in associating himself with a religious organization, may have conferred upon

such organization a jurisdiction over him in ecclesiastical matters. These constitutions, therefore, have not established religious toleration merely, but religious equality, in that particular being far in advance not only of the mother country, but also of much of the colonial legislation, which, though more liberal than that of other civilized countries, nevertheless, exhibited features of discrimination based upon religious beliefs or professions.

"Considerable differences will appear in the provisions in the State constitutions on the general subject of the present chapter, some of them being confined to declarations and prohibitions whose purpose is to secure the most perfect equality before the law of all shades of religious belief, while some exhibit a jealousy of ecclesiastical authority by making persons who exercise the functions of clergyman, priest, or teacher of any religious persuasion, society, or sect, ineligible to civil office; and still others show some traces of the old notion that truth and a sense of duty do not consort with skepticism in religion. There are exceptional clauses, however, though not many in number; and it is believed that where they exist they are not often made use of to deprive any person of the civil or political rights or privileges which are placed by law within the reach of his fellows.

"Those things which are not lawful under any of the American constitutions may be stated thus:

"I. Any law respecting an establishment of religion. The legislatures have not been left at liberty to effect a union of church and state, or to establish preferences by law in favor of any one religious persuasion or mode of worship. There is not complete religious liberty where any one sect is favored by the state and given an advantage by law over other sects. Whatever establishes a distinction against one class or sect, is, to the extent to which the distinction operates unfavorably, a persecution; and if based on religious grounds, a religious persecution. The extent of the discrimination is not material to the principle. It is enough that it creates an inequality of right or privilege.

"II. Compulsory support, by taxation or otherwise, of religious instruction. Not only is no one denomination to be favored at the expense of the rest, but all support of religious instruction must be entirely voluntary. It is not within the sphere of government to coerce it.

"III. Compulsory attendance upon religious worship. Whoever is not led by choice or a sense of duty to attend upon the ordinances of religion is not to be compelled to do so by the state. It is the province of the state to enforce, so far as it may be found practicable, the obligations and duties which the citizen may be under or may owe to his fellow-citizen or to society; but those which spring from the relations between himself and his Maker are to be enforced by the admonitions of the conscience, and not by the penalties of human laws. Indeed, as all real worship must essentially and necessarily consist in the free-will offering of adoration and gratitude by the creature to the Creator, human laws are obviously inadequate to incite or compel those internal and voluntary emotions which shall induce it; and human penalties at most could only enforce the observance of idle ceremonies which, when unwillingly performed, are alike valueless to the participants, and devoid of all the elements of true worship.

"IV. Restraints upon the free exercise of religion according to the dictates of the conscience. No external authority is to place itself between the finite being and the Infinite, when the former is seeking to render the homage that is due, and in a mode which commends itself to his conscience and judgment as being suitable for him to render and acceptable to its object.

"V. Restraints upon the expression of religious belief. An earnest believer usually regards it as his duty to propagate his opinions and to bring others to his views. To deprive him of this right is to take from him the power to perform what he considers a most sacred obligation.

"These are the prohibitions which in some form of words are to be found in the American constitutions, and which secure freedom of conscience and of religious worship. No man, in religious matters, is to be subjected to the censorship of the state or of any public authority; and the state is not to inquire into or take notice of religious belief when the citizen performs his duty to the state and to his fellows, and is guilty of no breach of public morals or public decorum.

"But while thus careful to establish, protect, and defend religious freedom and equality, the American constitutions contain no provisions which prohibit the authorities from such solemn recognition of a superintending Providence in public transactions and exercises as the general religious sentiment of mankind inspires, and as seems meet and proper in finite and dependent beings. Whatever may be the shades of religious belief, all must acknowledge the fitness of recognizing in important human affairs the superintending care and control of the great Governor of the Universe, and of acknowledging with thanksgiving His boundless favors, or bowing in contrition when visited with the penalties of His broken laws. No principle of constitutional law is violated when thanksgiving or fast days are appointed; when chaplains are designated for the army and navy; when legislative sessions are opened with prayer or the reading of the Scriptures, or when religious teaching is encouraged by a general exemption of the houses of religious worship from taxation for the support of the state government. Undoubtedly the spirit of the constitution will require, in all these cases, that care be taken to avoid discrimination in favor of or against any one religious denomination or sect; but the power to do any of these things does not become unconstitutional simply because of its susceptibility to abuse. This public recognition of religious worship, however, is not based entirely, perhaps not even mainly, upon a sense of what is due to the Supreme Being himself as the author of all good and of all law; but the same reasons of state policy which induce the government to aid institutions of charity and seminaries of instruction will incline it also to foster religious worship and religious institutions as conservators of the public morals, and valuable, if not indispensable, assistants in the preservation of the public order.

"Nor, while recognizing a superintending Providence, are we always precluded from recognizing, also, in the rules prescribed for the conduct of the citizen, the notorious fact that the prevailing religion in the States is Christian. Some acts would be offensive to public sentiment in a Christian community, and would tend to public disorder, which in a Mohammedan or Pagan country

might be passed by without notice, or even be regarded as meritorious ; just as some things would be considered indecent and worthy of reprobation and punishment as such in one state of society, which in another would be in accord with the prevailing customs, and therefore defended and protected by the laws. The criminal laws of every country are shaped in greater or less degree by the prevailing public sentiment as to what is right, proper, and decorous, or the reverse ; and they punish those acts as crimes which disturb the peace and order, or tend to shock the moral sense or sense of propriety and decency of the community. The moral sense is largely regulated and controlled by the religious belief ; and therefore it is that those things which, estimated by a Christian standard, are profane and blasphemous, are properly punished as crimes against society, since they are offensive in the highest degree to the general public sense, and have a direct tendency to undermine the moral support of the laws and to corrupt the community.

“ It is frequently said that Christianity is a part of the law of the land. In a certain sense and for certain purposes this is true. The best features of the common law, and especially those which regard the family and social relations ; which compel the parent to support the child, the husband to support the wife ; which make the marriage-tie permanent and forbid polygamy,—if not derived from, have at least been improved and strengthened by the prevailing religion and the teachings of its sacred Book. But the law does not attempt to enforce the precepts of Christianity on the ground of their sacred character or divine origin. Some of those precepts, though we may admit their continual and universal obligation, we must nevertheless recognize as being incapable of enforcement by human laws. That standard of morality which requires one to love his neighbor as himself, we must admit is too elevated to be accepted by human tribunals as the proper test by which to judge the conduct of the citizen ; and one could hardly be held responsible to the criminal laws if in goodness of heart and spontaneous charity he fell something short of the Good Samaritan. The precepts of Christianity, moreover, affect the heart, and address themselves to the conscience, while the laws of the state can regard the outward conduct only ; and for these several reasons Christianity is not a part of the law of the land in any sense which entitles the courts to take notice of and base their judgments upon it, except so far as they can find that its precepts and principles have been incorporated in and made a component part of the positive law of the state.

“ Mr. Justice STORY has said in the Girard Will case that, although Christianity is a part of the common law of the state, it is only so in this qualified sense, that *its divine origin and truth are admitted*, and therefore it is not to be maliciously and openly reviled and blasphemed against, to the annoyance of believers or to the injury of the public. It may be doubted, however, if the punishment of blasphemy is based necessarily upon an admission of the divine origin or truth of the Christian religion, or incapable of being otherwise justified.

“ Blasphemy has been defined as consisting in speaking evil of the Deity, with an impious purpose to derogate from the divine majesty, and to alienate the minds of others from the love and reverence of God. It is purposely using

words concerning the Supreme Being calculated and designed to impair and destroy the reverence, respect, and confidence due to Him, as the intelligent Creator, Governor, and Judge of the world. It embraces the idea of detraction as regards the character and attributes of God, as calumny usually carries the same idea when applied to an individual. It is a wilful and malicious attempt to lessen men's reverence of God, by denying his existence or his attributes as an intelligent Creator, Governor, and Judge of men, and to prevent their having confidence in Him as such. Contumelious reproaches and profane ridicule of Christ or of the Holy Scriptures have the same evil effect in sapping the foundations of society and of public order, and are classed under the same head.

"In an early case where a prosecution for blasphemy came before Lord HALE, he is reported to have said: 'Such kind of wicked, blasphemous words are not only an offence to God and religion, but a crime against the laws, state, and government, and therefore punishable in the Court of King's Bench. For to say religion is a cheat, is to subvert all those obligations whereby civil society is preserved; that Christianity is a part of the laws of England, and to reproach the Christian religion is to speak in subversion of the law.' Eminent judges in this country have adopted this language, and applied it to prosecutions for blasphemy, where the charge consisted in malicious ridicule of the author and founder of the Christian religion. The early cases in New York and Massachusetts are particularly marked by clearness and precision on this point, and Mr. Justice CLAYTON, of Delaware, has also adopted and followed the ruling of Lord Chief-Justice HALE, with such explanations of the true basis and justification of these prosecutions as to give us a clear understanding of the maxim that Christianity is a part of the law of the land, as understood and applied by the courts in these cases. Taken with the explanation given, there is nothing in the maxim of which the believer in any creed, or the disbeliever of all, can justly complain. The language which the Christian regards as blasphemous, no man in sound mind can feel under a sense of duty to make use of under any circumstances, and no person is therefore deprived of a right when he is prohibited, under penalties, from uttering it.

"But it does not follow because blasphemy is punishable as a crime, that therefore one is not at liberty to dispute and argue against the truth of the Christian religion, or of any accepted dogma. Its 'divine origin and truth' are not so far admitted in the law as to preclude their being controverted. To forbid discussion on this subject, except by the various sects of believers, would be to abridge the liberty of speech and of the press in a point which, with many, would be regarded as most important of all. Blasphemy implies something more than a denial of any of the truths of religion, even of the highest and most vital. A bad motive must exist; there must be a wilful and malicious attempt to lessen men's reverence for the Deity, or for the accepted religion. But outside of such wilful and malicious attempt, there is a broad field for candid investigation and discussion, which is as much open to the Jew and the Mohammedan as to the professors of the Christian faith. 'No author or printer who fairly and conscientiously promulgates the opinions with whose truths he is impressed, for the benefit of others, is answerable as a criminal.

A malicious and mischievous intention is, in such a case, the broad boundary between right and wrong; it is to be collected from the offensive levity, scurrilous and opprobrious language, and other circumstances, whether the act of the party was malicious.' Legal blasphemy implies that the words were uttered in a wanton manner, 'with a wicked and malicious disposition, and not in a serious discussion upon any controverted point in religion.' The courts have always been careful, in administering the law, to say that they did not intend to include in blasphemy disputes between learned men upon particular controverted points. The constitutional provisions for the protection of religious liberty not only include within their protecting power all sentiments and professions concerning or upon the subject of religion, but they guarantee to every one a perfect right to form and promulgate such opinions and doctrines upon religious matters, and in relation to the existence, power, attributes, and providence of a Supreme Being as to himself shall seem reasonable and correct. In doing this he acts under an awful responsibility, but it is not to any human tribunal.

"Other forms of profanity besides that of blasphemy are also made punishable by statutes in the several States. The cases these statutes take notice of are of a character no one can justify, and their punishment involves no question of religious liberty. The right to use profane and indecent language is recognized by no religious creed, and the practice is reprobated by right-thinking men of every nation and every religious belief. The statutes for the punishment of public profanity require no further justification than the natural impulses of every man who believes in a Supreme Being, and recognizes his right to the reverence of his creatures.

"The laws against the desecration of the Christian Sabbath by labor or sports are not so readily defensible by arguments, the force of which will be felt and admitted by all. It is no hardship to any one to compel him to abstain from public blasphemy or other profanity, and none can complain that his rights of conscience are invaded by this forced respect to a prevailing religious sentiment. But the Jew who is forced to respect the first day of the week, when his conscience requires of him the observance of the seventh also, may plausibly urge that the law discriminates against his religion, and by forcing him to keep a second Sabbath in each week, unjustly, though by indirection, punishes him for his belief.

"The laws which prohibit ordinary employments on Sunday are to be defended, either on the same grounds which justify the punishment of profanity, or as establishing sanitary regulations, based upon the demonstration of experience that one day's rest in seven is needful to recuperate the exhausted energies of body and mind. If sustained on the first ground, the view must be that such laws only require the proper deference and regard which those not accepting the common belief may justly be required to pay to the public conscience. The Supreme Court of Pennsylvania have preferred to defend such legislation on the second ground rather than the first; but it appears to us that if the benefit to the individual is alone to be considered, the argument against the law which he may make who has already observed the seventh day of the week, is unanswerable. But on the other ground it is clear that these

laws are supportable on authority, notwithstanding the inconvenience which they occasion to those whose religious sentiments do not recognize the sacred character of the first day of the week.

"Whatever deference the constitution or the laws may require to be paid in some cases to the conscientious scruples or religious convictions of the majority, the general policy always is, to avoid with care any compulsion which infringes on the religious scruples of any, however little reason may seem to others to underlie them. Even in the important matter of bearing arms for the public defence, those who cannot in conscience take part are excused, and their proportion of this great and sometimes imperative burden is borne by the rest of the community.

"Some of the State constitutions have also done away with the distinction which existed at the common law regarding the admissibility of testimony in some cases. All religions were recognized by the law to the extent of allowing all persons to be sworn, and to give evidence who believed in a superintending Providence, who rewards and punishes, and that an oath was binding on their conscience. But the want of such belief rendered the person incompetent. Wherever the common law remains unchanged, it must, we suppose, be held no violation of religious liberty to recognize and enforce its distinctions; but the tendency is to do away with them entirely, or to allow one's unbelief to go to his credibility only, if taken into account at all."

DOCUMENT VIII.

George Bancroft on the Constitutional Guarantee of Religious Liberty.

From his "History of the Formation of the Constitution of the United States of America," New York, 1882, vol. ii., p. 326.

"Vindicating the right of individuality even in religion, and in religion above all, the new nation dared to set the example of accepting in its relations to God the principle first divinely ordained in Judea. It left the management of temporal things to the temporal power; but the American Constitution, in harmony with the people of the several States, withheld from the federal government the power to invade the home of reason, the citadel of conscience, the sanctuary of the soul; and not from indifference, but that the infinite spirit of eternal truth might move in its freedom and purity and power."

To this we add, by permission, a private letter in answer to a question of the author:

"NEWPORT, R. I., August 30, 1887.

"MY DEAR DR. SCHAFF:—I have yours of the 12th. By the Constitution no power is held by Congress except such as shall have been granted to it. Congress therefore from the beginning was as much without the power to make a law respecting the establishment of religion as it is now after the amendment has been passed. The power had not been granted, and therefore did not exist, for Congress has no powers except such as are granted; but a feeling had got abroad that there should have been a Bill of Rights, and

therefore to satisfy the craving, a series of articles were framed in the nature of a Bill of Rights, not because such a declaration was needed, but because the people wished to see certain principles distinctly put forward as a part of the Constitution. The first amendment, so far as it relates to an establishment of religion, was proposed without passion, accepted in the several States without passion, and so found its place as the opening words of the amendments in the quietest manner possible. This, I think, is a full answer to your question.

"I take this occasion to express to you my great regard and hopes for your health and prosperity.

"Yours most truly,

GEO. BANCROFT.

"Rev. Dr. Philip Schaff,

"Lake Mohonk Mountain House,

"Mohonk Lake, Ulster Co., N. Y."

DOCUMENT IX.

Christianity a Part of the Common Law of Pennsylvania— Decision of the Supreme Court of Pennsylvania in the Case of Updegraph v. the Commonwealth, February, 1822.

From the "Pennsylvania Supreme Court Reports," *Serg. & R.*, vol. xi., p. 398, Philadelphia, 1845.

"The opinion of the court was delivered by DUNCAN, J. This was an indictment for blasphemy, founded on an act of assembly, passed in 1700, which enacts that whosoever shall wilfully, premeditatedly, and despitefully blaspheme and speak loosely and *profanely* of Almighty God, Christ Jesus, the Holy Spirit, or the Scriptures of Truth, and is legally convicted thereof, shall forfeit and pay the sum of *ten pounds*.

"It charges the defendant with contriving and intending to scandalize and bring into disrepute, and vilify the Christian religion and the Scriptures of Truth, and that he, in the presence and hearing of several persons, unlawfully, wickedly, and premeditatedly, despitefully, and blasphemously, did say, among other things, in substance as follows: 'That the Holy Scriptures were a mere fable; that they were a contradiction, and that, although they contained a number of good things, yet they contained a great many lies,' and the indictment concludes, to the great dishonor of Almighty God, to the great scandal of the profession of the Christian religion, to the evil example of all others in like case offending, and against the form of the act of assembly in such case made and provided.

"The jury have found that the defendant did speak words of that substance in the temper and with the intent stated. This verdict excludes every thing like innocence of intention; it finds a malicious intention in the speaker to vilify the Christian religion and the Scriptures, and this court cannot look beyond the record, nor take any notice of the allegation, that the words were uttered by the defendant, a member of a debating association, which convened weekly for discussion and mutual information, and that the expressions were used in the course of argument on a religious question. That there is an association in

which so serious a subject is treated with so much levity, indecency, and scurrility, existing in this city, I am sorry to hear, for it would prove a nursery of vice, a school of preparation to qualify young men for the gallows, and young women for the brothel, and there is not a skeptic of decent manners and good morals who would not consider such debating clubs as a common nuisance and disgrace to the city. From the tenor of the words, it is impossible that they could be spoken seriously and conscientiously in the discussion of a religious or theological topic; there is nothing of argument in the language; it was the outpouring of an invective so vulgarly shocking and insulting that the lowest grade of civil authority ought not to be subject to it, but when spoken in a Christian land, and to a Christian audience, the highest offence *contra bonos mores*, and even if Christianity was not part of the law of the land, it is the popular religion of the country, an insult on which would be indictable as directly tending to disturb the public peace. The bold ground is taken, though it has often been explored, and nothing but what is trite can be said upon it,—it is a barren soil, upon which no flower ever blossomed; the assertion is once more made that Christianity never was received as part of the common law of this Christian land, and it is added, that if it was, it was virtually repealed by the Constitution of the *United States*, as inconsistent with the liberty of the people, the freedom of religious worship, and hostile to the genius and spirit of our government, and, with it, the act against blasphemy; and if the argument is worth any thing, all the laws which have Christianity for their object—all would be carried away at one fell swoop—the act against cursing and swearing, and breach of the Lord's day; the act forbidding incestuous marriages, perjury by taking a false oath upon the book, fornication and adultery, *et peccatum illud horribile non nominandum inter christianos*; for all these are founded on Christianity—for all these are restraints upon civil liberty, according to the argument,—edicts of religious and civic tyranny, 'when enlightened notions of the rights of man were not so universally diffused as at the present day.'

"Another exception is taken. However technical it may be, and however heinous the offence, still, if it is not charged as the law requires, the plaintiff in error is entitled to the full benefit of the exception. The objection is, that the words are not said to have been spoken profanely.

"We will first dispose of what is considered the grand objection—the *constitutionality of Christianity*—for in effect that is the question.

"*Christianity, general Christianity, is, and always has been, a part of the common law of Pennsylvania*; Christianity, without the spiritual artillery of *European* countries, for this Christianity was one of the considerations of the royal charter, and the very basis of its great founder, *William Penn*; not Christianity founded on any particular religious tenets; not Christianity with an established church, and tithes, and spiritual courts; but Christianity with liberty of conscience to all men. *William Penn* and *Lord Baltimore* were the first legislators who passed laws in favor of liberty of conscience; for before that period the principle of liberty of conscience appeared in the laws of no people, the axiom of no government, the institutes of no society, and scarcely in the temper of any man. Even the reformers were as furious against con-

tumacious errors, as they were loud in asserting the liberty of conscience. And to the wilds of America, peopled by a stock cut off by persecution from a Christian society, does Christianity owe true freedom of religious opinion and religious worship. There is, in this very act of 1700, a precision of definition, and a discrimination so perfect between prosecutions for opinions seriously, temperately, and argumentatively expressed, and despicable railings, as to command our admiration and reverence for the enlightened framers. From the time of *Bracton*, Christianity has been received as part of the common law of *England*. I will not go back to remote periods, but state a series of prominent decisions, in which the doctrine is to be found. *The King v. Taylor, Ventr.* 93. 3 *Keb.* 507, the defendant was convicted on information for saying, that *Christ Jesus* was a bastard, a whore-master, and religion a cheat. Lord Chief Baron Hale, the great and the good Lord HALE (no stickler for church establishments) observed, 'that such kind of wicked and blasphemous words were not only an offence against God and religion, but against the laws of the state and government, and therefore punishable; that to say, religion is a cheat, is to dissolve all those obligations by which civil societies are preserved; and that Christianity is part of the law of *England*, and therefore to reproach the Christian religion is to speak in subversion of the laws.' In the case of *The King v. Woolaston*, 2 *Str.* 884; *Fitzg.* 64; *Raymond*, 162, the defendant had been convicted of publishing five libels, ridiculing the miracles of Jesus Christ, his life and conversation; and was moved in arrest of judgment, that this offence was not punishable in the temporal courts, but the court said, they would not suffer it to be debated, 'whether to write against Christianity generally was not an offence of temporal cognizance.' It was further contended, that it was merely to show that those miracles were not to be taken in a literal but allegorical sense; and, therefore, the book could not be aimed at Christianity in general, but merely attacking one proof of the divine mission. But the court said, the main design of the book, though professing to establish Christianity upon a true bottom, considers the narrations of scripture as explanatory and prophetic, yet that these professions could not be credited, and the rule is *allegatio contra factum non est admittendum*. In that case the Court laid great stress on the term general, and did not intend to include disputes between learned men on particular and controverted points, and Lord Chief Justice Raymond, *Fitzg.* 66, said, 'I would have it taken notice of, that we do not meddle with the difference of opinion, and that we interfere only where the root of Christianity is struck at.' The information filed against the celebrated *Wilkes* was for publishing an obscene and infamous libel, tending to vitiate and corrupt the minds of the subjects, and to introduce a total contempt of religion, morality and virtue, to blaspheme Almighty God, to ridicule our Saviour, and the Christian religion. In the justly admired speech of Lord Mansfield, in a case which made much noise at the time—*Evans v. Chamberlain of London*. *Furneaux's Letters to Sir W. Blackstone*. Appx. to *Black. Com.* and 2 *Burns' Eccles. Law*, p. 95, Conscience, he observed, is not controllable by human laws, nor amenable to human tribunals; persecution, or attempts to force conscience, will never produce conviction, and were only calculated to make hypocrites or martyrs. There never was a single instance-

from the *Saxon* times down to our own, in which a man was punished for erroneous opinions. For atheism, blasphemy, and reviling the Christian religion, there have been instances of prosecution at the common law ; but bare non-conformity is no sin by the common law, and all pains and penalties for non-conformity to the established rites and modes are repealed by the acts of toleration, and dissenters exempted from ecclesiastical censures. What bloodshed and confusion have been occasioned from the reign of *Henry IV.*, when the first penal statutes were enacted, down to the revolution, by laws made to force conscience. There is certainly nothing more unreasonable, nor inconsistent with the rights of human nature, more contrary to the spirit and precepts of the Christian religion, more iniquitous and unjust, more impolitic, than persecution against natural religion, revealed religion and sound policy. The great, and wise, and learned judge observes, 'The true principles of natural religion are part of the common law ; the essential principles of revealed religion are part of the common law ; so that a person villifying, subverting or ridiculing them may be prosecuted at common law ; but temporal punishments ought not to be inflicted for mere opinions.' Long before this, much suffering, and a mind of strong and liberal cast, had taught this sound doctrine and this Christian precept to *William Penn.* The charter of *Charles II.* recites, that 'Whereas our trusty and beloved *William Penn.* out of a commendable desire to enlarge our *English* empire, as also to reduce the savages, by gentle and just measures, to the love of civil society, and the Christian religion, hath humbly besought our leave to translate a colony,' etc. The first legislative act in the colony was the recognition of the Christian religion, and establishment of liberty of conscience. Before this, in 1646, Lord *Baltimore* passed a law in *Maryland* in favour of religious freedom, and it is a memorable fact, that of the first legislators, who established religious freedom, one was a Roman Catholic and the other a Friend. It is called the great law, of the body of laws, in the province of *Pennsylvania*, passed at an assembly at *Chester*, the 7th of the 12th month, *December*. After the following preamble and declaration, viz. : 'Whereas ye glory of Almighty God, and ye good of mankind, is ye reason and end of government, and therefore government in itself is a venerable ordinance of God ; and forasmuch as it is principally desired and intended by ye proprietary and governor, and ye freedom of ye province of *Pennsylvania*, and territories thereunto belonging, to make and establish such laws as shall best preserve true Christians and civil liberty, in opposition to all unchristian, licentious, and unjust practices, whereby God may have his due, *Caesar* his due, and ye people their due, from tyranny and oppression on ye one side, and insolency and licentiousness on ye other, so that ye best and firmest foundation may be laid for ye present and future happiness both of ye governor and people of this province and territories aforesaid, and their posterity : Be it therefore enacted by *William Penn.* proprietary and governor, by and with ye advice and consent of ye deputies of ye freemen of this province and counties aforesaid in assembly mett, and by ye authority of ye same, that these following chapters and paragraphs shall be the laws of *Pennsylvania* and the territories thereof.'

" 'Almighty God, being only Lord of conscience, Father of lyghts and spir-

its, and ye author as well as object of all divine knowledge, faith, and worship, who only can enlighten ye minds, and persuade and convince ye understandings of people in due reverence to his sovereignty over the souls of mankind : It is enacted by the authority aforesaid, yt no person at any time hereafter living in this province, who shall confess and acknowledge one Almighty God to be ye creator, upholder, and ruler of ye world, and that professeth him or herself obliged in conscience to live peaceably and justly under ye civil government, shall in any wise be molested or prejudiced for his or her conscientious persuasion or practice, nor shall he or she at any time be compelled to frequent or maintain any religious worship, plan or ministry, whatever, contrary to his or her mind, but shall freely and fully enjoy his or her Christian liberty in yt respect, without any interruption or reflection ; and if any person shall abuse or deride any other for his or her different persuasion and practice in a matter of religion, such shall be lookt upon as a disturber of ye peace, and be punished accordingly.' And to the end that looseness, irreligion, and atheism may not creep in under the pretence of conscience, it provides for the observance of the Lord's day, punishes profane cursing and swearing, and further enacts, for the better preventing corrupt communication, ' that whoever shall speak loosely and profanely of Almighty God, Christ Jesus, the Holy Spirit, or Scriptures of Truth, and is thereof legally convicted, shall forfeit and pay 5 pounds, and be imprisoned for five days in the house of correction.' Thus this wise legislature framed this great body of laws for a Christian country and Christian people. Infidelity was then rare, and no infidels were among the first colonists. They fled from religious intolerance, to a country where all were allowed to worship according to their own understanding, and as was justly observed by the learned Chancellor of the associated members of the Bar of *Philadelphia*, in the city of *Philadelphia*, in his address to that body, 22 of *June*, 1822, the number of *Jews* was too inconsiderable to excite alarm, and the believers in *Mahomet* were not likely to intrude. Every one had the right of adopting for himself whatever opinion appeared to be the most rational, concerning all matters of religious belief ; thus, securing by law this inestimable freedom of conscience, one of the highest privileges, and greatest interests of the human race. This is the Christianity of the common law, incorporated into the great law of *Pennsylvania*, and thus, it is irrefragably proved, that the laws and institutions of this state are built on the foundation of reverence for Christianity. Here was complete liberty of conscience, with the exception of disqualification for office of all who did not profess faith in Jesus Christ. This disqualification was not contained in the constitution of 1776 ; the door was open to any believer in a God, and so it continued under our present constitution, with the necessary addition of a belief in a future state of rewards and punishments. On this the constitution of the *United States* has made no alteration, nor in the great body of the laws which was an incorporation of the common law doctrine of Christianity, as suited to the condition of the colony, and without which no free government can long exist. Under the constitution, penalties against cursing and swearing have been exacted. If Christianity was abolished, all false oaths, all tests by oath in the common form by the book, would cease to be indictable as perjury. The indictment must state

the oath to be on the holy Evangelists of Almighty God. The accused on his trial might argue that the book by which he was sworn, so far from being holy writ, was a pack of lies, containing as little truth as *Robinson Crusoe*. And is every jury in the box to decide as a fact whether the Scriptures are of divine origin?

"Let us now see what have been the opinions of our judges and courts. The late Judge Wilson, of the Supreme Court of the *United States*, Professor of Law in the College in *Philadelphia*, was appointed in 1791 unanimously by the House of Representatives of this state to 'revise and digest the laws of this commonwealth, to ascertain and determine how far any *British* statutes extended to it, and to prepare bills containing such alterations and additions as the code of laws, and the principles and forms of the constitution, then lately adopted, might require.' He had just risen from his seat in the convention which formed the Constitution of the *United States*, and of this state; and it is well known, that for our present form of government we are indebted to his exertions and influence. With his fresh recollection of both constitutions, in his course of Lectures, 3d vol. of his works, 112, he states that profaneness and blasphemy are offences punishable by fine and imprisonment, and that Christianity is part of the common law. It is in vain to object that the law is obsolete; this is not so; it has seldom been called into operation, because this, like some other offences, has been rare. It has been retained in our recollection of the laws now in force, made by the direction of the legislature,—and it has not been a dead letter.

"In the Mayor's Court of the city of *Philadelphia*, in 1818, one *Murray* was convicted of a most scandalous blasphemy. He attempted by advertisement to call a meeting of the enemies of persecution; but this ended in mere vapour; the good sense of the people frowned upon it, and he was most justly sentenced. An account of the proceedings will be found in the *Franklin Gazette*, of the 21st of *November*, 1818. If the doctrine advanced in the written argument delivered to the court was just, (and it is but justice to the counsel for the plaintiff in error for the court to acknowledge the propriety of his conduct in preferring this course to a declamation in open court), impiety and profanity must reach their acme with impunity, and every debating club might dedicate the club room to the worship of the Goddess of Reason, and adore the Deity in the person of a naked prostitute. The people would not tolerate these flagitious acts, and would themselves punish; and it is for this, among other reasons, that the law interposes to prevent the disturbance of the public peace. It is sometimes asked with a sneer, Why not leave it to Almighty God to revenge his own cause? Temporal courts do so leave it. 'Bold and presumptuous would be the man who would attempt to arrest the thunder of heaven from the hand of God, and direct the bolts of vengeance where to fall.' It is not on this principle courts act, but on the dangerous temporal consequences likely to proceed from the removal of religious and moral restraints; this is the ground of punishment for blasphemous and criminal publications; and without any view to spiritual correction of the offender.—4 *Bla. C.*, 59; *Fitz.*, 67; *Stark, on Libels*, 487.

" 'Shall each blasphemer quite escape the rod,
And plead the insult 's not to man but God?'

"It is not an *auto da fé*, displaying vengeance; but a law, punishing with great mildness, a gross offence against public decency and public order, tending directly to disturb the peace of the commonwealth. Chief Justice Swift, in his system of Laws, 2 vol., 825, has some very just reasoning on the subject. He observes: 'To prohibit the open, public, and explicit denial of the popular religion of a country, is a necessary measure to preserve the tranquillity of a government. Of this, no person in a Christian country can complain; for, admitting him to be an infidel, we must acknowledge that no benefit can be derived from the subversion of a religion which enforces the purest morality.' In the Supreme Court of *New York* it was solemnly determined, that Christianity was part of the law of the land, and that to revile the Holy Scriptures was an indictable offence. The case assumes, says Chief Justice Kent, that we are a Christian people, and the morality of the country is deeply engrafted on Christianity. Nor are we bound by any expression in the constitution, as some have strangely supposed, not to punish at all, or to punish indiscriminately the like attack upon *Mahomet* or the *Grand Lama*. *The People v. Ruggles*, 8 *Johnston*, 290. This decision was much canvassed in the *New York Convention*, 1821. Debates, 463. An article was proposed in the new constitution, declaring that the judiciary should not declare any particular religion the law of the land. This was lost by a vote of seventy-four to forty-one. It is a mistake to suppose that this decision was founded on any special provision in the Constitution. It has long been firmly settled, that blasphemy against the Deity generally, or attack on the Christian religion indirectly, for the purpose of exposing its doctrines to ridicule and contempt, is indictable and punishable as a temporal offence. The principles and actual decisions are, that the publication, whether written or oral, must be malicious, and designed for that end and purpose; both the language of indictments, and the guarded expressions of judges show, that it never was a crime at the common law, seriously and conscientiously to discuss theological and religious topics, though in the course of such discussions doubts may have been created and expressed on doctrinal points, and the force of a particular proof of Scripture evidence casually weakened, or the authority of particular important texts disputed; and persons of a different religion, as Jews, though they must necessarily deny the authenticity of other religions, have never been punished as blasphemers or libellers at common law for so doing. All men, of conscientious religious feeling, ought to concede outward respect to every mode of religious worship. Upon the whole, it may not be going too far to infer, from decisions, that no author or printer, who fairly and conscientiously promulgates the opinions with whose truth he is impressed, for the benefit of others, is answerable as a criminal; that a malicious and mischievous intention is, in such a case, the broad boundary between right and wrong, and that it is to be collected from the offensive levity, scurrilous and opprobrious language, and other circumstances, whether the act of the party was malicious; and since the law has no means of distinguishing between different degrees of evil tendency, if the matter published contains any such evil tendency, it is a public wrong. An offence against the public peace may consist either of an actual breach of the peace, or doing that which tends to provoke and excite others to do it.

Within the latter description fall all acts and all attempts to produce disorder, by written, printed, or oral communications, for the purpose of generally weakening those religious and moral restraints, without the aid of which mere legislative provisions would prove ineffectual. No society can tolerate a wilful and despicable attempt to subvert its religion, no more than it would break down its laws—a general, malicious, and deliberate intent to overthrow Christianity, general Christianity. This is the line of indication, where crime commences, and the offence becomes the subject of penal visitation. The species of offence may be classed under the following heads—1. Denying the Being and Providence of God. 2. Contumelious reproaches of Jesus Christ; profane and malevolent scoffing at the Scriptures, or exposing any part of them to contempt and ridicule. 3. Certain immoralities tending to subvert all religion and morality, which are the foundations of all governments. Without these restraints no free government could long exist. It is liberty run mad, to declaim against the punishment of these offences, or to assert that the punishment is hostile to the spirit and genius of our government. They are far from being true friends to liberty who support this doctrine, and the promulgation of such opinions, and general receipt of them among the people, would be the sure forerunners of anarchy, and finally of despotism. Amidst the concurrent testimony of political and philosophical writers among the Pagans, in the most absolute state of democratic freedom, the sentiments of *Plutarch*, on this subject, are too remarkable to be omitted. After reciting that the first and greatest care of the legislators of *Rome*, *Athens*, *Lacedaemon*, and *Greece* in general, was by instituting solemn supplications and forms of oaths, to inspire them with a sense of the favour or displeasure of Heaven, that learned historian declares, that we have met with towns unfortified, illiterate, and without the conveniences of habitations; but a people wholly without religion, no traveller hath yet seen; and a city might as well be erected in the air, as a state be made to unite, where no divine worship is attended. Religion he terms the cement of civil union, and the essential support of legislation. No free government now exists in the world, unless where Christianity is acknowledged, and is the religion of the country. So far from Christianity, as the counsel contends, being part of the machinery necessary to despotism, the reverse is the fact. Christianity is part of the common law of this state. It is not proclaimed by the commanding voice of any human superior, but expressed in the calm and mild accents of customary law. Its foundations are broad, and strong, and deep; they are laid in the authority, the interest, the affections of the people. Waiving all questions of hereafter, it is the purest system of morality, the firmest auxiliary, and only stable support of all human laws. It is impossible to administer the laws without taking the religion which the defendant in error has scoffed at, that Scripture which he has reviled, as their basis; to lay aside these is at least to weaken the confidence in human veracity, so essential to the purposes of society, and without which no question of property could be decided, and no criminal brought to justice; an oath in the common form, on a discredited book, would be a most idle ceremony. This act was not passed, as the counsel supposed, when religious and civil tyranny were at their height; but on the breaking forth of the sun of religious liberty, by those

who had suffered much for conscience' sake, and fled from ecclesiastical oppression. The counsel is greatly mistaken in attributing to the common law the punishment at the stake, and by the faggot. No man ever suffered at common law for any heresy. The writ *de hæretico comburendo*, and all the sufferings which he has stated in such lively colours, and which give such a frightful, though not exaggerated picture, were the enactments of positive laws equally barbarous and impolitic. There is no reason for the counsel's exclamation, Are these things to be revived in this country, where Christianity does not form part of the law of the land ! It does form, as we have seen, a necessary part of our common law ; it inflicts no punishment for a non-belief in its truths ; it is a stranger to fire and to faggots, and this abused statute merely inflicts a mild sentence on him who bids defiance to all public order, disregards all decency, by contumelious reproaches, scoffing at and reviling that which is certainly the religion of the country ; and when the counsel compared this act against blasphemy to the act against witchcraft, and declared this was equally absurd, I do not impute to him that which I know his heart abhors, a scoffing at religion, but to the triteness of the topics. It is but a barren field, and must contain a repetition of that which has been so often refuted. It is not argument. He has likewise fallen into error with respect to the report of the judges of the Supreme Court on the *British* statute *de religiosis*, and of *mortmain*, parts of which are not incorporated, as being inapplicable to the state of the country ; these statutes were made to resist the encroachments of religious bodies, in engrossing great landed estates, and holding them in *mortmain*, but these are adopted, so far as relates to the avoidance of conveyances to the use of bodies corporate, unless sanctioned by the charter declaring void all conveyances to superstitious uses. The present statute is called the statute *de religiosis*, from the initiatory words of the act. It clipped the wings of ecclesiastical monopoly, and avoided conveyances to superstitious uses, but had no more relation to the doctrines of Christ than of *Mahomet* ; the counsel has confounded the name *de religiosis* with the doctrines of Christianity, and drawn a false conclusion ; because the statute *de religiosis* was not applicable to the country, therefore religion itself was not, and because they incorporated only part of the statutes avoiding conveyances to superstitious uses, therefore Christianity was superstition, and is abolished. This argument is founded on misconception, and is a nullity. The plaintiff in error has totally failed to support his grand objection to this indictment, for Christianity is part of the common law. The act against blasphemy is neither obsolete nor virtually repealed, nor is Christianity inconsistent with our free governments or the genius of the people.

“As I understand, this writ of error was taken out with a view to decide the question, whether Christianity was part of the law of the land, and whether it was consistent with our civil institutions. I have considered it a duty to be thus explicit. No preference is given by law to any particular religious persuasion. Protection is given to all by our laws. It is only the malicious reviler of Christianity who is punished. By general Christianity is not intended the doctrine of worship of any particular church or sect ; the law leaves these disputes to theologians ; it is not known as a standard by which to decide po-

litical dogmas. The worship of the Jews is under the protection of the law, and all prosecutions against Unitarians have been discontinued in *England*. The statute of *William III.* Ch. 3, with its penalties against Anti-Trinitarians, is repealed, and it never was punishable at common law ; and no partial mode of belief or unbelief were the objects of coercion by the civil magistrate. Whatever doctrines were heretical, were left to the ecclesiastical judges, who had a most arbitrary latitude allowed to them. Freedom from the demon of persecution, and the scourge of established churches was not on the *European*, but on our side of the Atlantic. I do not by this allude to any particular church, for the Puritans in turn became persecutors, when they got the upper hand. By an ordinance of 23d of *August*, 1645, which continued until the restoration, to preach, write or print any thing in derogation, or disapproving of the directory to the established puritanical form of worship, subject the offender, when convicted, to a discretionary fine, not exceeding fifty pounds. Scöfill, 98. While our own free constitution secures liberty of conscience and freedom of religious worship to all, it is not necessary to maintain that any man should have the right publicly to vilify the religion of his neighbours and of the country. These two privileges are directly opposed. It is open, public vilification of the religion of the country that is punished, not to force conscience by punishment, but to preserve the peace of the country by an outward respect to the religion of the country, and not as a restraint upon the liberty of conscience ; but licentiousness endangering the public peace, when tending to corrupt society, is considered as a breach of the peace, and punishable by indictment. Every immoral act is not indictable, but when it is destructive of morality generally, it is because it weakens the bonds by which society is held together, and government is nothing more than public order. This was the opinion of the court in the case of *Commonwealth v. Sharpless*, 2 *Serg. & Rawle*, 101. It is not now, for the first time, determined in this court, that Christianity is part of the common law of *Pennsylvania*. In the case of the *Guardians of the Poor v. Green*, 5 *Binn.*, 55, Judge Brackenbridge observed, the church establishment of England has become a part of the common law, but was the common law in this particular, or any part of it, carried with us in our emigration and planting a colony in *Pennsylvania*? Not a particle of it. On the contrary, the getting quit of the ecclesiastical establishment and tyranny was a great cause of the emigration. All things were reduced to a primitive Christianity, and we went into a new State. And Chief Justice Tilghman observes, that every country has its own common law ; ours is composed partly of our own usages. When our ancestors emigrated from *England*, they took with them such of the English principles as were convenient for the situation in which they were about to be placed. It required time and experience to ascertain how much of the *English* law would be suitable to this country. The minds of *William Penn* and his followers would have revolted at the idea of an established church. Liberty to all, preference to none ; equal privilege is extended to the mitred Bishop and the unadorned Friend.

“ This is the Christianity which is the law of our land, and I do not think it will be an invasion of any man’s right of private judgment, or of the most extended privilege of propagating his sentiments with regard to religion, in the

manner which he thinks most conclusive. If from a regard to decency and the good order of society, profane swearing, breach of the Sabbath, and blasphemy, are punishable by civil magistrates, these are not punished as sins of offences against God, but crimes injurious to, and having a malignant influence on society ; for it is certain, that by these practices, no one pretends to prove any supposed truths, detect any supposed error, or advance any sentiment whatever."

DOCUMENT X.

Christianity a Part of the Common Law of New York.

Decision in the case of the People *vs.* Ruggles, Aug., 1811.

"New York Supreme Court Reports, by W. Johnson," vol. viii., page 293, Philadelphia. Kent, Ch. J. gives the judgment :

"Why should not the language contained in the indictment be still an offence with us ? There is nothing in our manners or institutions which has prevented the application or the necessity of this part of the common law. We stand equally in need, now as formerly, of all that moral discipline, and of those principles of virtue, which help to bind society together. The people of this state, in common with the people of this country, profess the general doctrines of christianity, as the rule of their faith and practice ; and to scandalize the author of these doctrines is not only, in a religious point of view, extremely impious, but, even in respect to the obligations due to society, is a gross violation of decency and good order. Nothing could be more offensive to the virtuous part of the community, or more injurious to the tender morals of the young, than to declare such profanity lawful. It would go to confound all distinction between things sacred and profane ; for, to use the words of one of the greatest oracles of human wisdom, 'profane scoffing doth by little and little deface the reverence for religion ;' and who adds, in another place, 'two principal causes have I ever known of atheism—curious controversies and profane scoffing.' (Lord Bacon's Works, vol. 2, 291, 503.) Things which corrupt moral sentiment, as obscene actions, prints and writings, and even gross instances of seduction, have upon the same principle been held indictable ; and shall we form an exception in these particulars to the rest of the civilized world ? No government among any of the polished nations of antiquity, and none of the institutions of modern Europe, (a single and monitory case excepted), ever hazarded such a bold experiment upon the solidity of the public morals, as to permit with impunity and under the sanction of their tribunals, the general religion of the community to be openly insulted and defamed. The very idea of jurisprudence with the ancient lawgivers and philosophers embraced the religion of the country. *Jurisprudentia est divina-rum atque humanarum rerum notitia.* (Dig., b. 1, 10, 2 ; Cic. De Legibus, b. 2, passim.)

"The free, equal, and undisturbed enjoyment of religious opinion, whatever it may be, and free decent discussions on any religious subject, is granted and secured ; but to revile, with malicious and blasphemous contempt, the religion professed by almost the whole community, is an abuse of that right. Nor are we bound, by any expressions in the constitution, as some have strangely sup-

posed, either not to punish at all, or to punish indiscriminately the like attacks upon the religion of *Mahomet* or of the grand *Lama*; and for this plain reason, that the case assumes that we are a christian people, and the morality of the country is deeply ingrafted upon christianity, and not upon the doctrines or worship of those impostors. Besides, the offence is *crimen malitia*, and the imputation of malice could not be inferred from any invectives upon superstitions equally false and unknown. We are not to be restrained from animadversion upon offences against public decency, like those committed by Sir *Charles Sedley*, (1 *Sid.*, 168,) or by one *Rollo*, (*Sayer*, 158,) merely because there may be savage tribes, and perhaps semi-barbarous nations, whose sense of shame would not be affected by what we should consider the most audacious outrages upon decorum. It is sufficient that the common law checks upon words and actions, dangerous to the public welfare, apply to our case, and are suited to the condition of this and every other people whose manners are refined, and whose morals have been elevated and inspired with a more enlarged benevolence by means of the christian religion.

"Though the constitution has discarded religious establishments, it does not forbid judicial cognizance of those offences against religion and morality which have no reference to any such establishment, or to any particular form of government, but are punishable because they strike at the root of moral obligation, and weaken the security of the social ties. The object of the 38th article of the constitution was to 'guard against spiritual oppression and intolerance,' by declaring that 'the free exercise and enjoyment of religious profession and worship, without discrimination or preference, should for ever thereafter be allowed within this state, to all mankind.' This declaration, (noble and magnanimous as it is when duly understood), never meant to withdraw religion in general, and with it the best sanctions of moral and social obligation from all consideration and notice of the law. It will be fully satisfied by a free and universal toleration, without any of the tests, disabilities, or discriminations, incident to a religious establishment. To construe it as breaking down the common law barriers against licentious, wanton, and impious attacks upon christianity itself, would be an enormous perversion of its meaning. The *proviso* guards the article from such dangerous latitude of construction when it declares, that '*the liberty of conscience hereby granted*, shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of this state.' The preamble and this *proviso* are a species of commentary upon the meaning of the article, and they sufficiently show that the framers of the constitution intended only to banish test oaths, disabilities and the burdens, and sometimes the oppressions, of church establishments; and to secure to the people of this state, freedom from coercion, and an equality of right, on the subject of religion. This was no doubt the consummation of their wishes. It was all that reasonable minds could require, and it had long been a favorite object, on both sides of the *Atlantic*, with some of the most enlightened friends to the rights of mankind, whose indignation had been aroused by infringements of the liberty of conscience, and whose zeal was inflamed in the pursuit of its enjoyment. That this was the meaning of the constitution is further confirmed by a paragraph in a preceding article,

which specially provides that 'such parts of the common law as might be construed to establish or maintain any particular denomination of christians, or their ministers,' were thereby abrogated.

"The legislative exposition of the constitution is conformable to this view of it. Christianity, in its enlarged sense, as a religion revealed and taught in the Bible, is not unknown to our law. *The statute for preventing immorality* (*Laws*, vol. I, 224. R. S. 675, s. 69, et seq.) consecrates the first day of the week, as holy time, and considers the violation of it as immoral. This was only the continuation, in substance, of a law of the colony which declared, that the profanation of the Lord's day was 'the great scandal of the christian faith.' The act *concerning oaths* (*Laws*, vol. I, p. 405. [2 R. S. 407, s. 82,]) recognises the common law mode of administering an oath 'by laying the hand on and kissing the gospels.' Surely, then, we are bound to conclude that wicked and malicious words, writings and actions which go to vilify those gospels, continue, as at common law, to be an offence against the public peace and safety. They are inconsistent with the reverence due to the administration of an oath, and among their other evil consequences, they tend to lessen, in the public mind, its religious sanction.

"The court are accordingly of opinion that the judgment below must be affirmed.

"Judgment affirmed."

DOCUMENT XL.

The Constitutionality of Sunday Laws.

Decision of the Supreme Court of New York, February 4, 1861. *Lindenmuller vs. the People*. The opinion was delivered by Judge J. Allen.

From "Reports of Cases in Law and Equity determined in the Supreme Court of the State of New York. By Oliver L. Barbour, LL.D." Albany, vol. xxxiii., 1861. Pages 560-578.

"The constitutionality of the law under which Lindenmuller¹ was indicted and convicted does not depend upon the question whether or not Christianity is a part of the common law of this State. Were that the only question involved, it would not be difficult to show that it was so, in a qualified sense—not to the extent that would authorize a compulsory conformity, in faith and practice, to the creed and formula of worship of any sect or denomination, or even in those matters of doctrine and worship common to all denominations styling themselves Christian, but to the extent that entitles the Christian religion and its ordinances to respect and protection, as the acknowledged religion of the people. Individual consciences may not be enforced; but men of every opinion and creed may be restrained from acts which interfere with Christian worship, and which tend to revile religion and bring it into contempt. The belief of no man can be constrained, and the proper expression of religious belief is guaranteed to all; but this right, like every other right, must be exercised with strict regard to the equal rights of others; and when religious be-

¹ Gustav Lindenmuller, of the city of New York, had violated the law against Sunday theatres.

lief or unbelief leads to acts which interfere with the religious worship, and rights of conscience of those who represent the religion of the country, as established, not by law, but by the consent and usage of the community, and existing before the organization of the government, their acts may be restrained by legislation, even if they are not indictable at common law. Christianity is not the legal relation of the State, as established by law. If it were, it would be a civil or political institution, which it is not; but this is not inconsistent with the idea that it is in fact, and ever has been, the religion of the people. This fact is everywhere prominent in all our civil and political history, and has been, from the first, recognised and acted upon by the people, as well as by constitutional conventions, by legislatures, and by courts of justice.

"It is not disputed that Christianity is a part of the common law of England; and in *Rex v. Woolston* (*Str.* 834), the Court of King's Bench would not suffer it to be debated, whether to write against Christianity in general was not an offence punishable in the temporal courts at common law. The common law, as it was in force on the 20th day of April, 1777, subject to such alterations as have been made, from time to time, by the Legislature, and except such parts of it as are repugnant to the Constitution, is, and ever has been, a part of the law of the State. (*Const. of 1846, art. 1. § 17; Const. of 1821, art. 7, § 13; Const. of 1777, § 25.*) The claim is, that the constitutional guaranties for the free exercise and enjoyment of religious profession and worship are inconsistent with and repugnant to the recognition of Christianity, as the religion of the people, entitled to, and within the protection of, the law. It would be strange, that a people, Christian in doctrine and worship, many of whom, or whose forefathers, had sought these shores for the privilege of worshipping God in simplicity and purity of faith, and who regarded religion as the basis of their civil liberty, and the foundation of their rights, should, in their zeal to secure to all the freedom of conscience which they valued so highly, solemnly repudiate and put beyond the pale of the law, the religion which was dear to them as life, and dethrone the God who, they openly and avowedly professed to believe, had been their protector and guide as a people. Unless they were hypocrites, which will hardly be charged, they would not have dared, even if their consciences would have suffered them, to do so. Religious tolerance is entirely consistent with a recognised religion. Christianity may be conceded to be the established religion, to the qualified extent mentioned, while perfect civil and political equality, with freedom of conscience and religious preference, is secured to individuals of every other creed and profession. To a very moderate and qualified extent, religious toleration was secured to the people of the colony, by the charter of liberties and privileges, granted by his royal highness to the inhabitants of New York and its dependencies in 1683 (*2 R. L. app. No. 2*), but was more amply provided for in the Constitution of 1777. It was then placed substantially upon the same footing on which it now stands. The Constitution of 1777, § 38, ordained that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, should for ever thereafter be allowed, *provided* that the liberty of conscience thereby guaranteed should not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or

safety of the State. The same provision was incorporated in the Constitution of 1821, art. 7, § 3, and in that of 1846, art. 1, § 3. The Convention that framed the Constitution of 1777 ratified and approved the Declaration of Independence, and prefixed it to the Constitution as a part of the preamble; and in that instrument a direct and solemn appeal is made 'to the Supreme Judge of the world,' and a 'firm reliance on the protection of Divine Providence' for the support of the Declaration is deliberately professed. The people, in adopting the Constitution of 1821, expressly acknowledged with 'gratitude the grace and beneficence of God,' in permitting them to make choice of their form of government; and in ratifying the Constitution of 1846, declare themselves 'grateful to Almighty God' for their freedom. The first two constitutions of the State, reciting that "ministers of the gospel are by their profession dedicated to the service of God and the cure of souls, and ought not to be diverted from the great duties of their function," declared that no 'minister of the gospel or priest of any denomination whatsoever should be eligible to or hold any civil or military office within the State;' and each of the constitutions has required an oath of office from all except some of the inferior officers taking office under it.

"These provisions and recitals very clearly recognise some of the fundamental principles of the Christian religion, and are certainly very far from ignoring God as the supreme Ruler and Judge of the universe, and the Christian religion as the religion of the people, embodying the common faith of the community, with its ministers and ordinances, existing without the aid of, or political connection with, the State, but as intimately connected with a good government, and the only sure basis of sound morals.

'The several constitutional conventions also recognise the Christian religion as the religion of the State, by opening their daily sessions with prayer, by themselves observing the Christian Sabbath, and by excepting that day from the time allowed to the Governor for returning bills to the Legislature.

"Different denominations of Christians are recognised, but this does not detract from the force of the recognition of God as the only proper object of religious worship, and the Christian religion as the religion of the people, which it was not intended to destroy, but to maintain. The intent was to prevent the unnatural connection between Church and State, which had proved as corrupting and detrimental to the cause of pure religion as it had been oppressive to the conscience of the individual. The founders of the government and the framers of our constitutions believed that Christianity would thrive better, that purity in the Church would be promoted, and the interests of religion advanced, by leaving the individual conscience free and untrammelled, precisely in accordance with the 'benevolent principles of rational liberty,' which guarded against 'spiritual oppression and intolerance;' and 'wisdom is justified of her children' in the experiment, which could hardly be said, if blasphemy, Sabbath-breaking, incest, polygamy, and the like, were protected by the Constitution. They did, therefore, prohibit the establishment of a state religion, with its enabling and disabling statutes, its test oaths and ecclesiastical courts, and all the pains and penalties of non-conformity, which are only snares to the conscience, and every man is left free to worship God according to the

dictates of his own conscience, or not to worship him at all, as he pleases. But they did not suppose they had abolished the Sabbath as a day of rest for all, and of Christian worship for those who were disposed to engage in it, or had deprived themselves of the power to protect their God from blasphemy and revilings, or their religious worship from unseemly interruptions. Compulsory worship of God in any form is prohibited, and every man's opinion on matters of religion, as in other matters, is beyond the reach of law. No man can be compelled to perform any act or omit any act as a duty to God ; but this liberty of conscience in matters of faith and practice is entirely consistent with the existence, in fact, of the Christian religion, entitled to and enjoying the protection of the law, as the religion of the people of the State, and as furnishing the best sanctions of moral and social obligations. The public peace and public welfare are greatly dependent upon the protection of the religion of the country, and the preventing or punishing of offences against it, and acts wantonly committed subversive of it. The claim of the defence, carried to its necessary sequence, is that the Bible and religion, with all its ordinances, including the Sabbath, are as effectually abolished as they were in France during the Revolution, and so effectually abolished that duties may not be enforced as duties to the State, because they have been heretofore associated with acts of religious worship, or connected with religious duties. A provision similar to ours is found in the Constitution of Pennsylvania ; and in *Vidal v. Girard's Executors* (2 How. 127), the question was discussed whether the Christian religion was a part of the common law of that State ; and Justice Story, in giving judgment, at page 198, after referring to the qualifications in the Constitution, says : ' So that we are compelled to admit, that although Christianity be a part of the common law of the State, yet it is so in this qualified sense, that its divine origin and truth are admitted, and therefore it is not to be maliciously and openly reviled and blasphemed against, to the annoyance of believers or the injury of the public.' The same principle was decided by the State Court, in *Updegraph v. Commonwealth* (11 S. & R. 349). The same is held in Arkansas (*Show v. State*, 5 Eng. 259). In our own State, in *People v. Ruggles* (8 John. 291), the Court held that blasphemy against God, and contumelious reproach and profane ridicule of Christ or the Holy Scriptures, were offences punishable at the common law in this State, as public offences. Chief-Justice Kent says, that to revile the religion professed by almost the whole community is an abuse of the right of religious opinion and free discussion, secured by the Constitution, and that the Constitution does not secure the same regard to the religion of Mohammed or of the Grand Lama, as to that of our Saviour, for the plain reason that we are a Christian people, and the morality of the country is deeply engrafted upon Christianity. He says, further, that the Constitution ' will be fully satisfied by a free and universal toleration, without any of the tests, disabilities, or discriminations incident to a religious establishment. To construe it as breaking down the common law barriers against licentious, wanton, and impious attacks upon Christianity itself, would be an enormous perversion of its meaning.'

" This decision gives a practical construction to the ' toleration ' clause in the State Constitution, and limits its effect to a prohibition of a church establish-

ment by the State, and of all 'discrimination or preference' among the several sects and denominations in the 'free exercise and enjoyment of religious profession and worship.' It does not, as interpreted by this decision, prohibit the courts or the Legislature from regarding the Christian religion as the religion of the people, as distinguished from the false religions of the world. This judicial interpretation has received the sanction of the constitutional Convention of 1821, and of the people of the State in the ratification of that Constitution, and again in adopting the Constitution of 1846.

"It was conceded in the Convention of 1821 that the court in *People v. Ruggles* did decide that the Christian religion was the law of the land, in the sense that it was preferred over all other religions, and entitled to the recognition and protection of the temporal courts by the common law of the State; and the decision was commented on with severity by those who regarded it as a violation of the freedom of conscience and equality among religionists secured by the Constitution. Mr. Root proposed an amendment to obviate that decision, alleged by him to be against the letter and spirit of the Constitution, to the effect that the judiciary should not declare any particular religion to be the law of the land. The decision was vindicated as a just exponent of the Constitution and the relation of the Christian religion to the State; and the amendment was opposed by Chancellor Kent, Daniel D. Tompkins, Col. Young, Mr. Van Buren, Rufus King, and Chief-Justice Spencer, and rejected by a large majority, and the former provision retained, with the judicial construction in *People v. Ruggles* fully recognised. (*N. Y. State Conv. of 1821*, 462, 574.) It is true that the gentlemen differed in their views as to the effect and extent of the decision, and as to the legal status of the Christian religion in the State. One class, including Chief-Justice Spencer and Mr. King, regarded Christianity—the Christian religion as distinguished from Mohammedanism, etc.—as a part of the common law adopted by the Constitution; while another class, in which were included Chancellor Kent and Mr. Van Buren, were of the opinion that the decision was right, not because Christianity was established by law, but because Christianity was in fact the religion of the country, the rule of our faith and practice, and the basis of public morals. According to their views, as the recognised religion of the country, 'the duties and injunctions of the Christian religion' were interwoven with the law of the land, and were part and parcel of the common law, and that 'maliciously to revile it is a public grievance, and as much so as any other public outrage upon common decency and decorum.' (*Per Ch. Kent, in debate*, page 576.) This difference in views is in no sense material, as it leads to no difference in practical results and conclusions. All agreed that the Christian religion was engrafted upon the law, and entitled to protection as the basis of our morals and the strength of our government, but for reasons differing in terms and in words rather than in substance. Within the principle of the decision of *The People v. Ruggles*, as thus interpreted and approved and made a part of the fundamental law of the land by the rejection of the proposed amendment, every act done maliciously, tending to bring religion into contempt, may be punished at common law, and the Christian Sabbath, as one of the institutions of that religion, may be protected from desecration by such

laws as the Legislature, in their wisdom, may deem necessary to secure to the community the privilege of undisturbed worship, and to the day itself that outward respect and observance which may be deemed essential to the peace and good order of society, and to preserve religion and its ordinances from open reviling and contempt—and this not as a duty to God, but as a duty to society and to the State. Upon this ground the law in question could be sustained, for the Legislature are the sole judges of the acts proper to be prohibited, with a view to the public peace, and as obstructing religious worship, and bringing into contempt the religious institutions of the people.

“But as a civil and political institution, the establishment and regulation of a Sabbath is within the just powers of the civil government. With us, the Sabbath, as a civil institution, is older than the government. The framers of the first Constitution found it in existence; they recognised it in their acts, and they did not abolish it, or alter it, or lessen its sanctions or the obligations of the people to observe it. But if this had not been so, the civil government might have established it. It is a law of our nature that one day in seven must be observed as a day of relaxation and refreshment, if not for public worship. Experience has shown that the observance of one day in seven as a day of rest ‘is of admirable service to a state, considered merely as a civil institution.’ (4 *Bl. Com.* 63.) We are so constituted, physically, that the precise portion of time indicated by the decalogue must be observed as a day of rest and relaxation, and nature, in the punishment inflicted for a violation of our physical laws, adds her sanction to the positive law promulgated at Sinai. The stability of government, the welfare of the subject and the interests of society, have made it necessary that the day of rest observed by the people of a nation should be uniform, and that its observance should be to some extent compulsory, not by way of enforcing the conscience of those upon whom the law operates, but by way of protection to those who desire and are entitled to the day. The necessity and value of the Sabbath is acknowledged by those not professing Christianity. In December, 1841, in the French Chamber of Deputies, an Israelite expressed his respect for the institution of the Lord’s day, and opposed a change of law which would deprive a class of children of the benefit of it; and in 1844, the consistory general of the Israelites, at Paris, decided to transfer the Sabbath of the Jews to Sunday. A similar disposition was manifested in Germany. (*Bayle’s Hist. of Sab.* 187.) As a civil institution, the selection of the day is at the option of the legislature; but for a Christian people, it is highly fit and proper that the day observed should be that which is regarded as the Christian Sabbath, and it does not detract from the moral or legal sanction of the law of the State that it conforms to the law of God, as that law is recognised by the great majority of the people. In this State the Sabbath exists as a day of rest by the common law, and without the necessity of legislative action to establish it; and all that the Legislature attempt to do in the “Sabbath laws” is to regulate its observance. The body of the Constitution recognised Sunday as a day of rest, and an institution to be respected by not counting it as a part of the time allowed to the governor for examining bills submitted for his approval. A contract, the day of the performance of which falls on Sunday, must, in the case of instruments on which days of grace are

allowed, be performed on the Saturday preceding, and in all other cases on Monday. (*Salter v. Burt*, 20 *Wend.* 205. *Avery v. Stewart*, 2 *Conn. R.* 69.) Compulsory performance on the Sabbath cannot be required, but the law prescribes a substituted day. Redemption of land, the last day for which falls on Sunday, must be made the day before. (*People v. Luther*, 1 *Wend.* 42.) No judicial act can be performed on the Sabbath, except as allowed by statute, while ministerial acts not prohibited are not illegal. (*Sayles v. Smith*, 12 *Wend.* 57. *Butler v. Kelsey*, 15 *John.* 177. *Field v. Park*, 20 *id.* 140.) Work done on a Sunday cannot be recovered for, there being no pretence that the parties keep the last day of the week, and the work not being a work of necessity and charity. (*Watts v. Van Ness*, 1 *Hill.* 76. *Palmer v. City of New York*, 2 *Sand.* 318. *Smith v. Wilcox*, 19 *Barb.* 581; *S. C.* 25 *id.* 341.)

"The Christian Sabbath is then one of the civil institutions of the State, and to which the business and duties of life are, by the common law, made to conform and adapt themselves. The same cannot be said of the Jewish Sabbath, or the day observed by the followers of any other religion. The respect paid to such days, other than that voluntarily paid by those observing them as days of worship, is in obedience to positive law. There is no ground of complaint in the respect paid to the religious feeling of those who conscientiously observe the seventh rather than the first day of the week, as a day of rest, by the legislation upon that subject, and exempting them from certain public duties and from the service of process on their Sabbath, and excepting them from the operation of certain other statutes regulating the observance of the first day of the week. (1 *R. S.* 675, § 70. *Laws of 1847*, ch. 349.) It is not an infringement of the right of conscience, or an interference with the free religious worship of others, that sabbatarians are exempted from the service of civil process and protected in the exercise of their religion on their Sabbath. Still less is it a violation of the rights of conscience of any that the Sabbath of the people, the day set apart by common consent and usage from the first settlement of the land as a day of rest, and recognised by the common law of the State as such, and expressly recognised in the Constitution as an existing institution, should be respected by the law-making power, and provision made to prevent its desecration by interrupting the worship or interfering with the rights of conscience, in any way, of the public as a Christian people. The existence of the Sabbath day as a civil institution being conceded, as it must be, the right of the Legislature to control and regulate it and its observance is a necessary sequence. If precedents were necessary to establish the right to legislate upon the subject, they could be cited from the statutes and ordinances of every government really or nominally Christian, and from the earliest period. In England, as early as the reign of Athelstan, all merchandising on the Lord's day was forbidden under severe penalties; and from that time very many statutes have been passed in different reigns regulating the keeping of the Sabbath, prohibiting fairs and markets, the sale of goods, assemblies or concourse of the people for any sports and pastimes whatsoever, worldly labor, the opening of a house or room for public entertainment or amusement, the sale of beer, wine, spirits, etc., and other like acts on that day. There are other acts which are designed to compel attendance at church and religious

worship, which would be prohibited by the Constitution of this State as infringements upon the right to the free exercise and enjoyment of religious profession and worship. But the acts referred to do not relate to religious profession or worship, but to the civil obligations and duties of the subject. They have respect to his duties to the state, and not to God, and as such are within the proper limits of legislative power. There have been times in the history of the English government, when the day was greatly profaned, and practices tolerated at court and throughout the realm, on the Sabbath and on other days, which would meet at this time with little public favor either there or here. But these exceptional instances do not detract from the force of the long series of acts of the British parliament, representing in legislation the sentiment of the British nation, as precedents and as a testimony in favor of the necessity and propriety of a legislative regulation of the Sabbath. Our attention is called to the fact that James I. wrote a 'Book of Sports,' in which he declared that certain games and pastimes were lawful upon Sunday. The book was published in 1618, and by it he permitted the 'lawful recreations' named, 'after the end of divine service' on Sundays, 'so as the same be had in due and convenient time, without impediment or neglect of divine service.' The permission is thus qualified: 'But withall we doe here account still as prohibited all unlawfull games to be used on Sundayes only, as beare and bull baitings, *interludes* and at all times in the meaner sort of people prohibited, bowling.' (*Baylee's Hist. Sabbath*, 157.) Lindenmuller's theatre would have been prohibited even by King James's Book of Sports.

"In most, if not all the States of the Union, laws have been passed against Sabbath-breaking, and prohibiting the prosecution of secular pursuits upon that day; and in none of the States, to my knowledge, except in California, have such laws been held by the courts to be repugnant to the free exercise of religious profession and worship, or a violation of the rights of conscience, or an excess or abuse of the legislative power, while in most States the legislation has been upheld by the courts and sustained by well-reasoned and able opinions. (*Updegraph v. The Commonwealth*, 11 S. & R. 394. *Show v. State of Arkansas*. 5 Eng. (Ark.) 259. *Bloom v. Richards*, 2 Ohio R. 387. *Warne v. Smith*, 8 Conn. R. 14. *Johnston v. Com.* 10 Harris, 102. *State v. Amb's*, 20 Mis. 214. *Story v. Elliot*, 8 Cowen, 27.)

"As the Sabbath is older than our State government, was a part of the laws of the colony, and its observance regulated by colonial laws, State legislation upon the subject of its observance was almost coëval with the formation of the State government. If there were any doubt about the meaning of the Constitution securing freedom in religion, the contemporaneous and continued acts of the legislature under it would be very good evidence of the intent and understanding of its framers, and of the people who adopted it as their fundamental law. As early as 1788, travelling, work, labor, and exposing of goods to sale on that day were prohibited. (2 *Greenl.* 89.) In 1789 the sale of spirituous liquors was prohibited (*Andrews*, 467); and from that time statutes have been in force to prevent Sabbath desecration, and prohibiting acts upon that day which would be lawful on other days of the week. Early in the history of the State government, the objections taken to the act under considera-

tion were taken before the council of revision, to an act to amend the act entitled, 'An act for suppressing immorality,' which undertook to regulate Sabbath observance, because the provisions as was claimed militated against the Constitution, by giving a preference to one class of Christians and oppressing others; because it in some manner prescribed the mode of keeping the Sabbath; and because it was expedient to impose obligations on the conscience of men in matters of opinion. The counsel, consisting of Governor Jay, Chief-Justice Lansing, and Judges Lewis and Benson, overruled the objections and held them not well taken. (*Street's N. Y. Council of Rev.* 422.) I have not access to the California case referred to (*Ex parte Newman*, 9 Cal. 502), but with all respect for the court pronouncing the decision, as authority in this State, the opinion of the council of revision thus constituted, and deliberately pronounced should outweigh it. If the court in California rest their decision upon a want of power in the Legislature to compel religious observances, I should not dissent from the position, and the only question would be whether the act did thus trench on the inviolable rights of the citizen. If it merely restrained the people from secular pursuits and from practices which the Legislature deemed hurtful to the morals and good order of society, it would not go beyond the proper limits of legislation. The act complained of here compels no religious observance, and offences against it are punishable not as sins against God, but as injurious to and having a malignant influence on society. It rests upon the same foundation as a multitude of other laws upon our statute-books, such as those against gambling, lotteries, keeping disorderly houses, polygamy, horse-racing, profane cursing and swearing, disturbance of religious meetings, selling of intoxicating liquors on election days within a given distance of the polls, etc. All these and many others do to some extent restrain the citizen and deprive him of some of his natural rights; but the Legislature has the right to prohibit acts injurious to the public and subversive of the government, or which tend to the destruction of the morals of the people and disturb the peace and good order of society. It is exclusively for the Legislature to determine what acts should be prohibited as dangerous to the community. The laws of every civilized State embrace a long list of offences which are such merely as *mala prohibita*, as distinguished from those which are *mala in se*. If the argument in behalf of the plaintiff in error is sound, I see no way in saving the class of *mala prohibita*. Give every one his natural rights, or what are claimed as natural rights, and the list of civil offences will be confined to those acts which are *mala in se*, and a man may go naked through the streets, establish houses of prostitution *ad libitum*, and keep a faro-bank on every corner. This would be repugnant to every idea of a civilized government. It is the right of the citizen to be protected from offences against decency, and against acts which tend to corrupt the morals, and debase the moral sense of the community. Regarding the Sabbath as a civil institution, well established, it is the right of the citizen that it should be kept and observed in a way not inconsistent with its purpose and the necessity out of which it grew, as a day of rest, rather than as a day of riot and disorder, which would be effectively to overthrow it, and render it a curse rather than a blessing.

"Woodward, J., in *Johnston v. Com.* (10 Harris, 102) says: 'The right to

rear a family with a becoming regard to the institutions of Christianity, and without compelling them to witness the hourly infractions of one of its fundamental laws ; the right to enjoy the peace and good order of society, and the increased securities of property which result from a decent observance of the Sabbath ; the right of the poor to rest from labor without diminution of wages ; " the right of beasts to the rest which nature calls for—are real, substantial rights, and as much the subject of governmental protection as any other right of person or property. But it is urged that it is the right of the citizen to regard the Sabbath as a day of recreation and amusement, rather than as a day of rest and religious worship, and that he has a right to act upon that belief and engage in innocent amusements and recreations. This position it is not necessary to gainsay. But who is to judge and decide what amusements and pastimes are innocent, as having no direct or indirect baneful influence upon the community, as not in any way disturbing the peace and quiet of the public, as not unnecessarily interfering with the equally sacred rights of conscience of others? May not the Legislature, following the example of James I., which was cited to us as a precedent, declare what recreations are lawful, and what are not lawful as tending to a breach of the peace or a corruption of the morals of the people? That is not innocent which may operate injuriously upon the morals of the old or young, which tends to interrupt the peaceable and quiet worship of the Sabbath, and which grievously offends the moral sense of the community, and thus tends to a breach of the peace. It may well be that the Legislature, in its wisdom, thought that a theatre was eminently calculated to attract all classes, and the young especially, on a day when they were released from the confinement incident to the duties of the other days of the week, away from the house of worship and other places of proper rest, relaxation and instruction, and bring them under influence not tending to elevate their morals, and to subject them to temptation to other vices entirely inconsistent with the safety of society. The gathering of a crowd on a Sunday at a theatre, with its drinking-saloons, and its usual, if not necessary, facilities for and inducements to licentiousness and other kindred vices, the Legislature might well say was not consistent with the peace, good order and safety of the city. They might well be of the opinion that such a place would be 'a nursery of vice, a school of preparation to qualify young men for the gallows and young women for the brothel.' But whatever the reasons may have been, it was a matter within the legislative discretion and power, and their will must stand as the reason of the law.

"We could not, if we would, review their discretion and sit in judgment upon the expediency of their acts. We cannot declare that innocent which they have adjudged baneful and have prohibited as such. The act in substance declares a Sunday theatre to be a nuisance, and deals with it as such. The Constitution makes provision for this case by providing that the liberty of conscience secured by it 'shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State.' The Legislature have declared that Sunday theatres are of this character, and come within the description of acts and practices which are not protected by the Constitution, and they are the sole judges. The act is clearly

constitutional, as dealing with and having respect to the Sabbath as a civil and political institution, and not affecting to interfere with religious belief or worship, faith or practice.

"It was conceded upon the argument that the Legislature could entirely suppress theatres and prohibit theatrical exhibitions. This, I think, yields the whole argument, for as the whole includes all its parts and the greater includes the lesser, the power of total suppression includes the power of regulation and partial suppression. If they can determine what circumstances justify a total prohibition, they can determine under what circumstances the exhibitions may be innocuous, and under what circumstances and at what times they may be baneful, so as to justify a prohibition.

"The other points made and argued are of less general importance, as they only affect this particular case, and notwithstanding they were ably and ingeniously argued, I have been unable to appreciate the views taken by the learned counsel for the plaintiff in error.

"The law does not touch private property or impair its value. The possession and use of it, except for a single purpose and upon a given day, and the right to the possession and use, is as absolute to the plaintiff in error as it was the day before the passage of the law. The restraint upon the use of the property is incidental to the exercise of a power vested in the Legislature to legislate for the whole State. The ownership and enjoyment of property cannot be absolute in the sense that incidentally the right may not be controlled or affected by public legislation. Public safety requires that powder-magazines should not be kept in a populous neighborhood; public health requires that certain trades and manufactures should not be carried on in crowded localities; public interest requires that certain callings should be exercised by a limited number of persons and at a limited number of places; and legislative promotion of these objects necessarily qualifies the absolute ownership of property to the extent that it prohibits the use of it in the manner and for the purpose deemed inconsistent with the public good, but that deprives no man of his property or impairs its legal value. The fact that the plaintiff in error leased the property with a view to its occupancy for the purpose of a Sunday theatre does not vary the question. He might have bought it for the same purpose, but that would by no means lessen the power of the Legislature, or give him an indefeasible right to use it for the purpose intended, or to establish or perpetuate a public nuisance. The power of the Legislature cannot thus be crippled or taken from them. As lessee he is *pro hac vice* the owner. He took his lease as every man takes any estate, subject to the right of the Legislature to control the use of it so far as the public safety requires.

"The contract with the performers, if one exists, for their services on the Sabbath, stands upon the same footing, and is also subject to another answer to wit, that the contract for Sabbath work was void without the law of 1860. (*Smith v. Wilcox, Watts v. Van Ness, Palmer v. New York, supra.*) The sovereign power must, in many cases, prescribe the manner of exercising individual rights over property. The general good requires it, and to this extent the natural rights of individuals are surrendered. Every public regulation in a city does in some sense limit and restrict the absolute right of the individual

owner of property. But this is not a legal injury. If compensation were wanted, it is found in the protection which the owner derives from the government, and perhaps from some other restraint upon his neighbor in the use of his property. It is not a destruction or an appropriation of the property, and it is not within any constitutional inhibition. (*Vanderbilt v. Adams*, 7 Cowen, 349. *People v. Walbridge*, 6 id. 512. *Mayor &c. of New York v. Miln*, 11 Peters, 102. 3 *Story's Const. Law*, 163.)

"The conviction was right and the judgment must be affirmed.

"The summary of the points established by this decision is as follows :

GUSTAV LINDENMULLER, plaintiff in error, *vs.* THE PEOPLE, defendants in error.

"Every act done maliciously, tending to bring religion into contempt, may be punished at common law ; and the Christian Sabbath, as one of the institutions of that religion, may be protected from desecration by such laws as the Legislature, in their wisdom, may deem necessary to secure to the community the privilege of undisturbed worship, and to the day itself that outward respect and observance which may be deemed essential to the peace and good order of society and to preserve religion and its ordinances from open reviling and contempt.

"Upon this ground the 'Act to preserve the public peace and order on the first day of the week, commonly called Sunday,' passed April 17, 1860, prohibiting exhibitions or dramatic performances on Sunday can be sustained ; the Legislature being the sole judges of the acts proper to be prohibited, with a view to the public peace, and as obstructing religious worship, and bringing into contempt the religious institutions of the people.

"That act is clearly *constitutional*, as dealing with and having respect to the Sabbath as a civil and political institution, and not affecting to interfere with religious belief or worship, faith or practice.

"In the State of New York the Sabbath exists as a day of rest by the common law, and without the necessity of legislative action to establish it ; and all that the Legislature attempt to do in the 'Sabbath laws,' is to regulate its observance."

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